SENATE—*Tuesday, June 14, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The prayer this morning is one with which General Washington concluded a letter to the Governors of the 13 States when he resigned his commission from the Army in 1783.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy Holy protection, and wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation."

Patient Lord, grant that the faith of our fathers may be our faith as a Nation, lest we lose the incredible legacy they left us.

In His name Who is Incarnate Truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Madam President, the Senate will shortly vote on a motion to request the Sergeant at Arms to obtain the presence of absent Senators. Immediately following that vote, the Senate will resume consideration of the pending bill, the Airport Improvement Act, and the amendment pending thereto. It is my hope that we can get a vote on that amendment today.

As I indicated, we were prepared to vote on the matter on Thursday, we were prepared to vote on Friday, and we are prepared to vote today. I hope my colleagues will permit us to proceed to a vote on that matter today and then to complete action on the airport improvement bill as soon as possible.

The Appropriations Committee is beginning to mark up appropriations bills today, and we will begin shortly a very intense and busy period in which action will be required on a large number of measures and it will, I believe, be helpful to the Senate as an institution and to individual Senators, if we can complete action on the pending measure as soon as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to vote on a motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—86

Akaka	Bennett	Bingaman
Baucus	Biden	Bond
Boren	Ford	Metzenbaum
Boxer	Glenn	Mikulski
Bradley	Gorton	Mitchell
Brown	Graham	Moseley-Braun
Bryan	Grassley	Moynihan
Bumpers	Gregg	Murray
Burns	Harkin	Nunn
Byrd	Hatch	Packwood
Campbell	Hatfield	Pell
Chafee	Heflin	Pressler
Coats	Hollings	Pryor
Cochran	Hutchison	Reid
Cohen	Inouye	Riegle
Conrad	Johnston	Robb
Coverdell	Kassebaum	Rockefeller
Craig	Kempthorne	Roth
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Sasser
DeConcini	Kerry	Shelby
Dodd	Kohl	Simon
Dole	Lautenberg	Simpson
Domenici	Leahy	Stevens
Dorgan	Levin	Thurmond
Durenberger	Lieberman	Warner
Exon	Lugar	Wellstone
Feingold	Mack	Wofford
Feinstein	Mathews	

NAYS—13

Breaux	Jeffords	Nickles
D'Amato	Lott	Smith
Faircloth	McCain	Wallop
Gramm	McConnell	
Helms	Murkowski	

NOT VOTING—1

Specter

So the motion was agreed to.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) D'Amato amendment No. 1775, to establish a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitehouse Development Corp., Madison Guaranty Savings & Loan Association, and Capital Management Services, Inc. and other related matters.

(2) Mitchell amendment No. 1776 (to amendment No. 1775), in the nature of a substitute.

AMENDMENT NO. 1776 TO AMENDMENT NO. 1775

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 1776 offered by the majority leader, the Senator from Maine [Mr. MITCHELL].

The Senator from Maine.

Mr. MITCHELL. Madam President, I note the presence of the distinguished junior Senator from New York on the

floor. I would like, if I might, to direct a question to the Senator through the Chair.

Madam President, the Senator has for some time been urging a Senate vote on the issue of hearings on the Whitewater matter. As the Senator knows, we were prepared to vote on Thursday. At that time he indicated that he and his Republican colleagues would not permit a vote to occur on Thursday. We were similarly prepared to vote on Friday. He indicated the same thing. It is now, of course, Tuesday. I inquire of the Senator whether it is his disposition and that of our Republican colleagues to permit a vote to occur on the pending amendment on the Whitewater matter?

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Madam President, let me say that I want there to be a vote on the Whitewater hearings. Without getting into the merits of the amendment, I do not believe that this is the kind of hearing that the American people deserve. I could not participate in a limited hearing like this, to be quite candid with you, because it is not a hearing that will do justice to the process. It is not the type of hearing which is in keeping with the tradition of comprehensive, truly probing hearings that the Senate has had in innumerable instances. It is too circumscribed.

However, having said that, I certainly think there will be a vote. I am not going to delay this. I believe there may be a vote sometime early this afternoon, when we come back from our respective caucuses. I will seek an opportunity to caucus with the Members on my side as to how they wish to progress. I am fairly certain that we will take this to a vote.

It would be my recommendation that we offer amendments, continue to offer amendments until we can resolve some issues. Hopefully, the leadership can still work this out and resolve the differences between the pending amendment and that which the Republicans have introduced. That would be my hope.

Mr. MITCHELL. Madam President, I, of course, would be perfectly agreeable to entering into an agreement now to have a vote at whatever time the Senator from New York chooses.

Mr. D'AMATO. Let me say to the majority leader, I am not in a position to agree to a time certain for a vote until I speak to the caucus.

It will not benefit any of us to delay the vote because only after the vote may we offer our amendments and possibly come up with a format in the process of negotiation, a format that will make it possible for us to set up a methodology for the hearings. But it would be my recommendation that we vote on this as soon as we come back in. I cannot agree to a time certain now but that is my recommendation. I do not mean to mislead the leader. I want to be very candid with him.

(Mr. MATHEWS assumed the chair.)

Mr. MITCHELL. Mr. President, I will simply say that our colleagues should be prepared to have someone on the floor and debating, because if there is not anyone, the Chair will put the question, of course. It is the burden of those who do not want the vote to occur now or now agree to a time certain for a vote to debate the matter, and I simply want our colleagues to be on notice in that regard.

We will be prepared to proceed and discuss the matter further following the recess, as the Senator from New York has suggested.

Mr. D'AMATO. May I suggest this to the leader: That we put in a quorum call, and I would like an opportunity to consult with the Republican leader—maybe we can agree to a time certain—and some of the others. That would be my recommendation. I have an extra 20 minutes, half hour.

Mr. MITCHELL. That is perfectly fine.

Mr. D'AMATO. Or maybe we can have a time for morning business.

Mr. MITCHELL. Why do I not do that, and Senators can speak in morning business. I will wait to hear from the Senator from New York.

Mr. D'AMATO. Fine.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, accordingly, I now ask unanimous consent that there be a period for morning business until the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

THE ARMY OWES FULL DISCLOSURE

Mr. WELLSTONE. Mr. President, I rise to speak on the floor of the Senate about a matter that is of urgent importance in my State of Minnesota, but I think this may be a matter of urgent importance in many other States as well.

This past weekend was one of the most painful times that I have had in my few years in the U.S. Senate. Yesterday, I met with Diane Gorney, Carol Thomas, and Linda Wait. These were three women who, when they were younger, were schoolgirls attending Clinton Elementary School in south Minneapolis.

What we now know, and the U.S. Army has confirmed, is that it sprayed zinc cadmium sulfide over Minneapolis in 1953, a chemical which is a potential carcinogen.

These women and other women who have called our office who attended this school—one of the sites where the spraying took place—have had very difficult lives, Mr. President. Some have reported sterility. Some have reported abnormal childbirth. Some have reported other diseases and illnesses. So it is not just a question of what has happened to them, but also what has happened to their children as well.

I am not a doctor, and I am not a public health expert. But I ask anyone who is listening to me how they would feel if you had been 7 years old in the second grade, the Army did this spraying as a part of figuring out what the effects would be of chemical warfare, never consulted you, never consulted your parents, never told anybody about it, and then, later on, your children were born with serious defects, serious disabilities. How would you feel? You would be convinced that that spraying is what caused your problems and, in any case, you would want to know what happened.

Mr. President, we all owe a great debt of gratitude to the exceptional work of Melody Gilbert at KTCA who has done this investigative work. The Army has now confirmed that they did this spraying and it has been reported—and I want my colleagues to listen—that this spraying may also have taken place in other cities throughout the country, including Dallas, TX, Raleigh, NC, Columbia, SC, San Francisco, CA and, as it turns out, in Rosemount, MN, and also in the Chippewa National Forest in Minnesota as late as 1964.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. WELLSTONE. Madam President, I cannot answer Minnesotans and other citizens when they ask me why this spraying took place. Presumably, it was to determine how chemicals used in biological warfare would penetrate various structures in different neighborhoods. But I can tell you this, whether it be Minneapolis or Rosemount or the Chippewa National Forest, or other communities in other States, the Department of Defense and the Army owe the people full disclosure.

Tomorrow, Congressman SABO and I will be meeting with the Department of Defense people, and we want answers to questions. We want to know where, when, and how much the Army sprayed. We want to know what are the short- and long-term health effects, if any, caused by exposure to zinc cadmium sulfide. We want to know what the environmental effects are to the water supply, to the topsoil, to the air. We want to know what records the U.S. Department of Defense has relating to the spraying and its effect on the health of humans and the environment. We want to know, Madam President, whether or not the Department of Defense plans to release this information

and, if so, we want to know the time line and the plan for doing so.

An Army spokesman reportedly stated last week, and I quote:

It is virtually impossible to determine any medical relationship between the testing in 1953 and any current health adversity experienced by citizens in the area.

We want to know what medical or scientific proof the Army has to back up such a claim. And, finally, Madam President, we want to know how many residents in Minneapolis and Rosemount and in northern Minnesota, and in other cities throughout the country have come in direct contact with zinc cadmium sulfide as a result of this spraying, and how many of those citizens are now suffering from what might very well be related health care problems.

Madam President, I say to my colleagues, this was done in 1953. Secretary O'Leary has done, I think, a wonderful job of beginning to insist on full disclosure of radiation experiments on human subjects. Those people never knew it was being done to them.

I also have been doing this heartbreaking work with atomic veterans. They went to Mercury, NV; they went to ground zero. They measured the radiation. They were in harm's way. Nobody ever told them about the danger, but what happened to them, their children, and their grandchildren is heartbreaking, and they are still waiting for some kind of justice and compensation.

This was a period of time in our country where I guess the end justified the means, and maybe it was all done in the name of national security. But, Madam President, you know what is interesting, in the last several days as this story has broken in Minnesota, everywhere I go, people come up to me and say, "PAUL, is this being done now?" The only honest answer I can give is: "I don't know. I certainly hope not."

I cannot believe that would be the case, but the one way we can be sure that we do not continue to do this is to hold Government accountable and, for God's sake, at least provide full documentation and full disclosure of the extent of these tests, where they took place—in my State and other States—and what the effects were on the people.

Madam President, no one asked these elementary schoolchildren whether or not they would be willing to be guinea pigs in these experiments. No one asked their mothers or fathers. No one asked the people in Minnesota. Nobody told people in Minnesota that they were in harm's way.

Now we know more about cadmium. We now know that it is probably carcinogenic, but we knew in the 1930's that it was possibly unsafe. When the Government does not know for sure, what side does it err on? Do you not err on the side of caution and protecting citizens? Do you ever, ever in a democracy have the right to conduct such experiments, spraying chemicals, without letting people know? I think the answer is clear.

So, Madam President, we will be meeting tomorrow with the Department of Defense. As more information comes out and I have further information about spraying in other cities—and I listed some cities where I have been notified this probably took place—I will be talking to other colleagues as well.

I cannot even explain to you the emotion of this past weekend, and I will do everything I can to find out what happened. If it turns out that this spraying was the cause of these illnesses, then I will do everything I can to make sure the Government pays for the damage that it has caused.

We do not know what damage there is. We do not even know exactly what happened. One step at a time. First, full disclosure. I certainly hope the Department of Defense and the Army will cooperate. I am sure this administration will. I think it has become much more open in terms of releasing records. Then maybe congressional hearings. Then understanding the full extent of what has happened, and at the very minimum the people in Minnesota and around the country are entitled to know.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from California.

THE WORK OF THE SENATE

Mrs. BOXER. Madam President, we have a great deal of work to do in this Senate. The Senator from Minnesota has just given us an example of that work. How many of our citizens have been exposed to harmful toxins throughout our history, and what are we going to do about it? What are we going to do about the gulf war syndrome, so many of our veterans coming home sick.

We have work to do, Madam President, and this is just one example of work we have to do that involves the health and the safety of our people.

Now, no one believes that the Federal Government can or should solve every problem facing our people. But most Americans agree, and I certainly know most Californians agree, that the Federal Government should act on a strategy of cooperation with the private sector, with other levels of Government, and with our citizens to make life better for our people.

That is why, Madam President, it is so distressing to me to see the Senate grind to a halt because my Republican friends and colleagues want to hurt the only President we have.

Madam President, I have had the privilege of serving in the Congress for almost 12 years now, 10 years on the House side, and now the deepest of honors to serve in the Senate representing 31 million people, the people of California. I was sent here to work for Californians, to fight for a better economy, for good jobs, for a decent education for our children, for a clean environment, to fight for an opportunity for every child in our Nation, to fight for a health care system that does not walk out on our people after they get sick, that does not artificially cap benefits at a certain number.

Madam President, 80 percent of our people face those caps in their insurance policies, so when they get sick, if it is a serious illness and they use up that cap, they are no longer covered by health insurance.

I wish to fight to make sure that our workers can move to new jobs, and they do not have to stay in jobs they do not like because they fear losing their insurance. Twenty-five percent of our citizens are in job lock today. They are afraid to leave their jobs even though they do not like it. Even though they want to do something new and exciting in their life, they are afraid they will not have health insurance so they are stuck in a job they do not want. We do not want to continue a health care system that keeps people on welfare and costs an absolute fortune because the emergency room too often substitutes as the first line of care.

Madam President, we have a lot of work to do here. Is it complicated? Yes, it is complicated work. Is it difficult work? Yes, it is difficult work. Will there be give and take and compromise and arguments and debates? Yes. But, Madam President, let us work. Let us have the debate. Let us not sit around here while our Republican friends stop us from voting on their own resolution on Whitewater.

They offer an amendment to the airport bill. Is it relevant to that bill? No. No, not at all. Airports around the Nation need their Federal grants, for safety, for expansion, for other purposes, but we have a Whitewater amendment on this bill. OK, so let us vote on it and get on with the airports bill. And let us vote on the alternative offered by the majority leader.

But let us vote and let us work. I was waiting since Thursday to vote and get on with the airport bill. Well, our Republican friends—not all but many—are trying to hurt this President, the only President we have in this Nation.

I have to tell my friends, we have one President at a time. I served with three Presidents. I disagreed with President Reagan's trickle-down economics because I thought it was unfair to the middle class and I thought it was unfair to the poor. I disagreed with President Reagan's proposed budget cuts because they hit children's programs, environmental programs, education programs. I disagreed with President

Bush's economic policies, which failed to create any jobs whatsoever and led to stagnation and recordbreaking deficits.

I disagreed with these two Presidents as much as my Republican friends disagree with President Clinton. I respect their disagreements. I know they want to return to the priorities that prevailed before President Clinton and the Democratic Congress passed family medical leave to help our families so they do not have to choose between a sick kid and a job. I know they want to go back to those days of vetoes on every domestic program. I know they do not like the motor voter bill, which extends voter participation. I know that. They said it. I understand it, and I respect them. I know they did not like the deficit reduction plan. Oh, they said it would lead to higher deficits and lead to job losses. Well, we have lower deficits, and we have job creation because of the Clinton plan for which this Senate stood up and voted.

The fact is they want to go back to the days when domestic priorities, priorities of this country took a back seat. But I have to tell you, I understand my colleagues' frustration; I had it for a long time myself, but I never tried to stop the work of the Congress, because I knew the people elected those Presidents with whom I happened not to agree. But it was my job to be the loyal opposition, to point out the problems and move on.

Whitewater is being addressed by a Republican special counsel who has been widely praised for his thoroughness and his skill; by a team of Federal agents; it will be addressed by the Senate in hearings. We voted 98 to nothing to address it in the Senate, and the amendment of the majority leader follows along that route. Let us vote on it and let us vote on the Republican idea, which I will oppose because it interferes with the prosecution.

I am not going to go home to my people in California and say I stood up to Mr. Fiske and allowed Senators to make political points in committees by going into issues that are under investigation, at which the special counsel told us not to look.

So, as I said earlier, I served under two Presidents with whom I did not agree. But I respected the office, I respected this country, I respected my Republican colleagues, and I respected the people who sent me to Congress enough to know that there is a difference between doing your work in Congress and getting out on the campaign trail. We have Presidential elections every 4 years, not every 4 days. Let us get the politics out of here, and let us do the work we were sent here to do.

We have one President, a President who stepped up to issues long before. Even if you do not agree with him, you have to admire the guy. Health care, welfare, voter participation, the deficit, the information superhighway, trade, education—these are the issues this President is addressing with this Democratic Congress, issues long ignored. For the sake of the country, let us debate these issues. Let us be tough in these debates.

Sure, I love a tough debate. Let us get on with our work. We should be respectful of each other as we find our way. We should respect the Presidency as we find our way. We were sent here to work. Let us work.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. In the interest of being respectful to one another, the Senator from Idaho had requested recognition before the Senator from California spoke.

I now give recognition to the Senator from Idaho.

Mr. CRAIG. Thank you very much, Madam President. I will be brief. Others wish to come to the floor to speak in morning business.

I appreciate the comments of my colleague from California. We all recognize the importance of the U.S. Senate voting, and that is all that we are asking for here, an up-or-down vote on whether this Congress, in a reasonable time, is going to convene open and thorough hearings to see whether this Presidency or any part of it is involved in the obstruction of justice.

That is a simple request. That is what the American people want. Most assuredly, that is what all Senators want. But I am not here today to speak of Whitewater.

TRIBUTE TO THE FLAG

Mr. CRAIG. Madam President, I am here today because today is Flag Day, and I rise to pay tribute to the flag of our Nation. There are a lot of stories that could be told about today's celebration of our flag. There is a story about how our flag was fashioned for the first time, and how it has changed over the years. There is a story about how our flag came to be set aside to honor the United States. There is a story of recent flag deliberations right here in the Congress of the United States and in the courts, and how people could handle it and use it or abuse it. And there are innumerable stories about how our flag has inspired common people to do extremely uncommon and valorous deeds.

There is also a great story about something that I want to relate at this moment. The story I would like to tell today is a tribute to the men and women across this country who have disagreed with the Federal courts of our country and believe we ought to change our Constitution; who believe, as all Americans do, that the flag is the ultimate symbol of our country. It is the unique fiber that holds together a diverse and different people into a nation we call America and the United States.

This group of people talking to each other as Americans continued to debate the issue of flag and flag desecration long after the U.S. States Congress spoke several years ago. They debated it in coffee shops, in classrooms, and in American Legion halls. They talked across the back fence. They talked over phones and on CB radios and through computer networks. How do I know? Well, I was not a part of that debate. But there is a clear record of that debate. That is important for the Congress of the United States to know.

The transcript of the great American debate can be found recorded in memorial after memorial that the State legislatures of our country have sent to the Congress just in the last few years. That debate was simple: Honor the American flag and protect it inside the Constitution of our country so that it can no longer be used as an expression of free speech beyond the normal margins of free speech; so that it cannot be burned or desecrated as has been done in the past and, as our courts have ruled, can be in the name of free speech constitutionally.

As of May of this year, 1994, 43 State legislatures have memorials to the U.S. Congress urging action to protect the American flag from this physical desecration. Those legislatures represent nearly 229 million Americans, more than 90 percent of our country's population.

I ask unanimous consent to place in the CONGRESSIONAL RECORD copies of these memorials from the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"STATE OF ALABAMA, H.J. RES. NO. 88

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which

are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the Legislature of Alabama, both Houses thereof concurring, the Senate concurring, That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of Alabama."

"STATE OF ALASKA, H.J. RES. NO. 27

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our nation soul as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

"Whereas, in the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, in the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

"Whereas, the American Flag symbolizes the ideas that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

"Whereas, the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; be it

"Resolved by the Alaska State Legislature That the Congress of the United States is requested to prepare and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress and the legislatures of the several states the power to prohibit the physical desecration of the Flag of the United States; this request does not constitute a call for a constitutional convention; and be it further

"Resolved, That the legislature of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

"Copies of this resolution shall be sent to the Honorable Al Gore, Vice-President of the United States and President of the Senate; the Honorable George J. Mitchell, Majority Leader of the U.S. Senate; to the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress."

"STATE OF ARIZONA

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and that is committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Wherefore, your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress propose to the people an amendment to the Constitution of the United States, as provided by law to add to the Constitution of the United States, an article providing as follows:

ARTICLE—

"Section 1. The Congress and the states have power to prohibit the physical desecration of the flag of the United States.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

"STATE OF ARKANSAS, S.J. RES. NO. 6

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the Seventy-eighth General Assembly of the State of Arkansas and by the House of Representatives, a majority of all members elected to each House agreeing thereto, That the General Assembly of the State of Arkansas respectfully urges the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states; specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the Congressional Delegation from the State of Arkansas.

"STATE OF CALIFORNIA, ASSEMBLY JOINT RESOLUTION NO. 55

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

"Whereas, In the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, In the Civil War the American Flag symbolized the vision of those patriots who fought and died for a single union, one and inseparable, where human beings could not be bought and sold; and

"Whereas, In the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, The American Flag symbolizes the ideals that good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, The American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

"Whereas, The American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, Jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the Secretary of State transmits copies of this resolution to each Senator and Representative in the Congress of the United States."

"STATE OF COLORADO, H.J. RES. NO. 91

"Whereas, the right of free expression is part of the foundation of the United States Constitution, Although the courts have drawn very careful limits on expression in specific instances as legitimate means of maintaining public safety and decency, as well as orderly and productive public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national unity such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the House of Representatives of the Fifty-eighth General Assembly of the State of Colorado, the Senate concurring herein: That the General Assembly hereby petitions the Congress of the United States to propose an amendment to the Constitution of the United States which would forbid physical desecration of the United States flag, and to submit such amendment to the state legislatures for ratification; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and all members of the congressional delegation from the State of Colorado."

"STATE OF CONNECTICUT, H.J. RES. NO. 73

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"Resolved, That the legislature of the State of Connecticut respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and to all members of the congressional delegation from the State of Connecticut."

"STATE OF DELAWARE, HOUSE RES. NO. 28

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the House of Representatives of the 136th General Assembly of the State of Delaware, the Senate concurring therein, respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the Congressional Delegation from the State of Delaware."

"STATE OF FLORIDA, HOUSE MEMORIAL 129

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate, and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others, and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor, and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal, and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state, and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency, Now, therefore, be it

"Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to propose an amendment of the United States Constitution, for ratification by the states, specifying that the Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this memorial be forwarded to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

"STATE OF GEORGIA, H.R. NO. 105

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the General Assembly of Georgia, That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to authorize criminal sanctions for certain disrespectful acts involving the flag of the United States or the flags of the several states; be it further

"Resolved, That this application by the General Assembly of the State of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V but, if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution before January 1, 1992, this petition for a constitutional convention shall no longer be of any force or effect; and be it further

"Resolved, That the Clerk of the House of Representatives is authorized and instructed to transmit a duly attested copy of this resolution to the Secretary of the Senate of the United States Congress, to the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

"STATE OF IDAHO, SENATE JOINT MEMORIAL NO. 102

"Whereas, although the right to free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Now, therefore, be it

"Resolved by the members of the First Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, That the Congress of the United Stats submit for ratification by the states, an amendment to the United States Constitution, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, "That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Legislatures of the several states of these United States."

"STATE OF ILLINOIS, H.R. NO. 322

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, The Flag of the United States was nobly born in the struggle for independence that began with 'The Shot Heard Round the World' on a bridge in Concord, Massachusetts; and

"Whereas, In the War of 1812 the Flag of the United States stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, In the Second World War the Flag of the United States was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, The Flag of the United States symbolizes the ideals for which good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, The Flag of the United States was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The Flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to the 'Stars and Stripes' that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration of the 'Stars and Stripes' of a proper station under law and decency; therefore, be it

"Resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Illinois, That we respectfully urge the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"Resolved, That suitable copies of this preamble and resolution be presented to the Speaker of the House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of Illinois."

"STATE OF INDIANA

"Whereas, although the right of free expression is part of the foundation of the

United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency.

"Whereas, The desecration of the flag of the United States gives aid and comfort to our enemies which should not be allowed; Therefore. be it

"Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

"Section 1. The Indiana General Assembly respectfully memorializes the Congress of the United States to pass a proposed amendment of the United States Constitution for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States.

"Section 2. That the Secretary of the Senate is directed to send copies of this resolution to the leadership of both houses of Congress and to each member of Congress representing the citizens of the state of Indiana."

"STATE OF KANSAS, H. CON. RES. NO. 5006

"Whereas, The Flag of the United States is the most recognized symbol of a grateful nation and no other American symbol has been as universally honored as the American Flag; and

"Whereas, The United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality and expression; and

"Whereas, While the right of expression is a principal freedom provided by the United States Constitution, very carefully drawn limits of expression in specific instances have long been recognized as legitimate means in maintaining public safety and decency, as well as providing order and value to public debate; and

"Whereas, Certain actions, while related to an individual's right to free expression, nevertheless raises issues concerning public decency, peace, rights of expression and the values of others; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Flag the reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of a proper station under law and decency; and

"Whereas, More than 500 Kansas veteran, fraternal and civil organizations have joined many city and county bodies of Government in signing resolutions calling upon the Kansas legislature to approve a resolution petitioning the Congress of the United States to propose a Constitutional Amendment to allow states the authority to pass laws prohibiting the physical desecration of the Flag of the United States; and

"Whereas, Kansans believe the right to express displeasure with government is a cherished right protected by the First Amendment, however, Kansans also believe that the desecration of the American Flag is an atrocious act which should be prohibited: Now, therefore, be it

"Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Legislature petition the Congress of the United States to submit an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"Resolved, That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the congressional delegation from the State of Kansas."

"STATE OF LOUISIANA, H.R. NO. 2

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although related to a person's right to freedom of expression, interfere with public peace, public decency, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag is still an honorable and worthy banner of a nation which is thankful for its strengths and, committed to curing its faults, and remains the destination of millions of immigrants who are attracted by the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the "Stars and Stripes" the reverence, respect, and dignity befitting the banner of this most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere lend their voices to a forceful call for the American Flag to be restored to a proper station under law and decency; Therefore, be it

"Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the Congressional Delegation from Louisiana."

"STATE OF MAINE, HOUSE OF REPRESENTATIVES AND SENATE RESOLUTION 1991

"Whereas, the American flag is a symbol of national unity, provides a beacon of hope and liberty for every nation in the world, is a source of tremendous national pride and is cherished as the embodiment of our country's history, traditions and ideals; and

"Whereas, our Armed Forces have defended our country's freedoms under the banner of the Stars and Stripes from the Revolutionary War to the present day; and

"Whereas, the American flag is also a symbol of the fundamental framework of individual rights laid down in the Constitution and is a symbol of the political heritage of this most noble experiment, our nation; and

"Whereas, this is the bicentennial year of the passage of the Bill of Rights and as the individual rights guaranteed by those amendments to our nation's Constitution constitute the very essence of our political heritage of liberty and freedom; and

"Whereas, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

"Whereas, any change to the Bill of Rights may create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

"Resolved, That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take appropriate action to ensure that proper respect and treatment will always be accorded to the American flag and to ensure that desecration of our flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights to the Constitution of the United States; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation."

"STATE OF MARYLAND, H. RES. NO. 6 AND S. RES. NO. 4

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are

therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Strips of a proper station under law and decency; now, therefore, be it

"Resolved by the General Assembly of Maryland, That the General Assembly respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted by the Department of Legislative Reference to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate; and be it further

"Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation."

STATE OF MASSACHUSETTS

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Therefore be it

"Resolved, That the Massachusetts general court respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"Resolved, That copies of these resolutions be forwarded by the clerk of the Senate to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

"STATE OF MICHIGAN, H. CON. RES. NO. 122

"Whereas, The United States Supreme Court has ruled in a 5–4 decision that popular legislative assemblies' attempts to curtail those acts that are an affront to the American people by protecting national symbols through local legislation may be unconstitutional if they go beyond the fine-line of the First Amendment; and

"Whereas, The desecration of national symbols through acts which are beyond the free speech essentials of our laws that allow the expression of diverse ideas or opposition to national policy that is political in nature, should be defined in law in order to protect against offensive acts which may incite or encourage violence or counterproductive activity of other citizens; and

"Whereas, Veterans' groups, expressing the sentiment of our people, have called for action to ban the desecration of the American flag. Indeed, to ignore the effect of this decision would be an affront to everyone who has been committed to the ideals of our nation in times of war and in times of peace: Now, therefore, be it

"Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature hereby memorialize the United States Congress to pass an amendment to the United States Constitution to prohibit the desecration of the American flag; and be it further

"Resolved, That a copy of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation."

"STATE OF MINNESOTA, RESOLUTION NO. 5

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults; and

"Whereas, the country represented by the Stars and Stripes remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of the United States: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That it urges the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

"STATE OF MISSISSIPPI, H.RES. NO. 60

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and one that remains the destination of millions if immigrants attracted by the universal power of the American ideal; and

"Whereas, the American flag is our national ensign, a proud and courageous symbol of our nation's precious heritage and, as such, it has been carried and defended in battle, revered and cherished by its citizens, and viewed as a beacon of hope, freedom, equal opportunity, religious tolerance and goodwill by people throughout the world; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: "Now, therefore, be it

"Resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States of America; and be it further

"Resolved, That copies of this resolution be forwarded to the Mississippi Congressional Delegation and that copies be made available to the Capitol Press Corps."

"STATE OF MISSOURI

"RESOLUTION

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Strips of a proper station under law and decency; Now, therefore, be it

"Resolved, That we, the members of the Missouri House of Representatives of the Eighty-sixth General Assembly, the Senate concurring therein, hereby respectfully memorialize the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Congressional Delegation."

"STATE OF MONTANA, SENATE RESOLUTION NO. 19

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on the expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression, and the sacred values of others; and

"Whereas, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag, to this day, is the most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and that remains the destination of millions of immigrants attracted by the universal power of the American ideals; and

"Whereas, the law, as interpreted by the United States Supreme Court, no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of the most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"Resolved by the Senate and the House of Representatives of the State of Montana, That the Legislature of the State of Montana respectfully petition the Congress of the United States to consider an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the Secretary of State send copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate, and each member of Montana's Congressional Delegation."

"STATE OF NEBRASKA, LEGISLATIVE RESOLUTION NO. 319

"Whereas, the United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality, and expression; and

"Whereas, while the right of expression is a principal freedom protected by the United States Constitution, very narrowly drawn limitations on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency; and

"Whereas, certain actions, while relating to an individual's right to freedom of expression, nevertheless raise issues concerning public order; and

"Whereas, the flag of the United States is a recognized national symbol: Now, therefore, be it

"Resolved by the members of the Ninety-Third Legislature of Nebraska, Second Session:

"1. That the Legislature encourages the Congress of the United States to consider an amendment to the United States Constitution, to be ratified by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and the President pro tempore of the Senate of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States."

"STATE OF NEVADA, S.J. RES. NO. 5

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's freedom of expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes of our American Flag that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the American Flag to a proper station under law and decency; now, therefore, be it.

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Nevada Legislature memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That a copy of this resolution be transmitted to the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the National Headquarters of The American Legion; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

"STATE OF NEW HAMPSHIRE, H.RES. NO. 57

"Whereas, the American flag is a sacred symbol of the United States of America; and

"Whereas, there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas, the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; now therefore, be it

"Resolved by the House of Representatives:

"That the Congress of the United States is requested to institute procedures to amend the Constitution of the United States and to prepare and submit to the several states for ratification an amendment to prohibit flag desecration; and

"That copies of this resolution be forwarded to the President of the United States, to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation to the United States Congress; and

"That copies of this resolution be prepared and forwarded to the secretaries of state and to the presiding officers of the legislatures of the several states with the request that they join this state in making application to the Congress of the United States to pass such an amendment."

"STATE OF NEW JERSEY, ASSEMBLY CONCURRENT RESOLUTION NO. 82

"Whereas, There are national symbols, such as the Washington Monument, the United States Capitol Building, and the Lincoln Memorial, which belong to every American and which should be protected from desecration and dishonor; and

"Whereas, The American flag is not only such a symbol but is also an integral part of this nation's history and spirit; and

"Whereas, Our flag was born in the struggle for independence that began with "The Shot Heard Round the World" in Concord Massachusetts; and

"Whereas, During the War of 1812, the American flag symbolized the stand of a young and brave nation against foreign invasion and inspired our national anthem; and

"Whereas, During World War II, the Stars and Stripes was the banner that led American forces against fascist imperialism, from the depths of Pearl Harbor to the mountaintop on Iwo Jima and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, Old Glory symbolizes the ideals for which good and decent people fought and died in Vietnam, often suffering cruel condemnation at home in that effort; and

"Whereas, Our flag stands for the democratic values which were advanced in the struggle for civil rights for all Americans; and

"Whereas, The American flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, The American flag is the honorable and worthy banner of a nation which is thankful for its strengths, committed to curing its faults, and which still remains the beacon of hope for millions of immigrants attracted by the American dream; and

"Whereas, The United States Supreme Court has mistakenly decided to take away from the Stars and Stripes the protection and respect which it deserves; and

"Whereas, The right to free speech was never intended to mean that our flag should be subject to desecration and dishonor under the guise of freedom of expression; and

"Whereas, It is fitting and proper that people everywhere lend their voices to a forceful call for the protection of Old Glory under the laws of the federal and state governments: Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey (the Senate concurring):*

"1. The Congress of the United States is respectfully memorialized to propose an amendment to the United States Constitution, for ratification by the states, providing that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice-President of the United States, the Speaker of the House of Representatives, and every member of Congress elected thereto from the State of New Jersey."

"STATE OF NEW MEXICO, H. RES. NO. 20

"Whereas, freedom of speech is a cherished right conferred by the first amendment of the constitution of the United States; and

"Whereas, the guarantee of freedom of speech is not absolute but must be balanced against threats to the national peace and to the maintenance of law and order; and

"Whereas, the United States flag is a cherished symbol of our nation's history and the struggle for freedom, liberty and justice in world, and the desecration of that flag is the desecration of those basic ideals upon which our country is based; and

"Whereas, the United States flag has symbolized hope for a brighter future and a chance for equal justice and opportunity for all; and

"Whereas, the United States flag has rallied our troops in times of peril and overwhelming odds; and

"Whereas, Americans have died defending the freedoms represented by the flag, and in their honor the dignity of the flag should not be demeaned, but the flag should be treated with respect; and

"Whereas, the flag symbolizes our national unity and inspires others to pursue the goals of democracy, freedom, liberty and justice; and

"Whereas, the United States supreme court in United States v. Eichman held that burning the flag was a form of speech, protected by the first amendment; and

"Whereas, two joint resolutions are now pending in the United States house of representatives proposing an amendment of the constitution of the United States:

"*Now, therefore, be it Resolved by the House of Representatives of the State of New Mexico,* that the United States congress be requested to propose an amendment to the constitution of the United States to be ratified by the states specifying that congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate and all members of the New Mexico congressional delegation."

"STATE OF NEW YORK, S. RES. NO. 466

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, the Tomb of the Unknown Soldier, the Vietnam Memorial and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved,* That this Legislative Body respectfully urge the New York State Congressional Delegation to propose an amendment to the United States Constitution, for ratification by the States, specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and be it further

"*Resolved,* That copies of this Resolution, suitably engrossed, be transmitted to all members of the Congressional Delegation from the State of New York."

"STATE OF NORTH CAROLINA, H. RES. NO. 230

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the House of Representatives:*

"Section 1. The House of Representatives respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Sec. 2. The Principal Clerk of the House of Representatives shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

"Sec. 3. This resolution is effective upon adoption."

"STATE OF NORTH DAKOTA, S. CON. RES. NO. 4021

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the Flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the flag of the United States that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of the United States of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate of North Dakota, the House of Representatives concurring therein:* That the Fifty-second Legislative Assembly urges the Congress of the United States to propose to the several states for ratification an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States; and be it further

"*Resolved,* That the Secretary of State forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the North Dakota Congressional Delegation."

"STATE OF OHIO, H. RES. NO. 9

"Whereas, The United States Supreme Court recently held that the First Amendment to the Constitution of the United States protects from criminal prosecution those who burn or otherwise desecrate the American flag as a form of political protest; and

"Whereas, Since the Grand Union flag was the first raised over Cambridge, Massachusetts, by George Washington on January 2,

1776, the American flag has waved over our great nation as a symbol of freedom, inspiring Americans with an intense pride and often inspiring peoples of other nations with a deep longing for freedom; and

"Whereas, Our forefathers had a dream of a country based on principles of truth and justice, a country, strengthened by the aspirations of many individuals, and a country that would shine as a beacon of hope and democracy for the people of the world, and the American flag has stood as a symbol of this dream and of the love of country, strong sense of duty, and dedication to the ideals of democracy that are the heritage of every American citizen; and

"Whereas, During the War of 1812, on the night of September 13–14, 1814, a young American attorney, Francis Scott Key, watched the battle of Fort McHenry as he stood trapped aboard a British ship in Baltimore harbor and was so moved by the sight of the Stars and Stripes waving over the fort at the dawn that he wrote a poem, "The Star-Spangled Banner," whose words became our national anthem and represent the strength, determination, and pride of our people; and

"Whereas, By its ruling the United States Supreme Court has sanctioned the desecration and mutilation of the symbol that inspired Francis Scott Key, the symbol that has led millions of Americans into battle in protection of this land, and the symbol that today leads the cause of freedom in other nations; therefore be it

"*Resolved*, That we, the members of the 19th General Assembly of the State of Ohio, in adopting this Resolution memorialize the Congress of the United States to take the action necessary to propose, and submit to the several states for ratification, an amendment to the Constitution of the United States that would prohibit the desecration of the American flag; and be it further

"*Resolved*, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Speaker and Minority Leader of the United States House of Representatives, to the President Pro Tempore and Minority Leader of the United States Senate, and to each member of the Ohio congressional delegation."

"STATE OF OKLAHOMA, S. RES. NO. 46

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful to Divine Providence for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate of the 2nd Session of the 44th Oklahoma Legislature, the House of Representatives concurring therein:*

"That the Oklahoma Legislature respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"That copies of this resolution be distributed to the Speaker of the United States House of Representatives, the President of the Senate and each member of the Oklahoma Congressional Delegation."

"STATE OF PENNSYLVANIA, H. RES. NO. 161

"Whereas, Since Revolutionary times, the American flag has been an honored emblem chosen to symbolize our nation; and

"Whereas, Like our nation itself, the American flag represents the dedication and courage of all who have worked, sacrificed and given their lives to establish and preserve this nation and the American way of life; and

"Whereas, As an expression of the public's profound sense of outrage at acts of desecration toward this national symbol to which we offer a 'Pledge of Allegiance,' the Commonwealth of Pennsylvania, 47 other states, and the Federal Government have enacted laws prohibiting and punishing flag desecration; and

"Whereas, The United States Supreme Court, by a vote of five to four, rendered a decision of June 21, 1989, which effectively held unconstitutional these state and Federal laws prohibiting flag desecration; therefore be it

"*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to vote to propose an amendment to the Constitution of the United States in order to authorize state and Federal governments to enact laws prohibiting and setting penalties for flag desecration; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

"STATE OF RHODE ISLAND

"Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy or protection from desecration and dishonor; and

"Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains of the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, The law as interpreted by the United States Supreme Court no longer accords to that Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

"Resolved, That the Legislature of the State of Rhode Island respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the secretary of state be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the Rhode Island Congressional Delegation."

"STATE OF SOUTH CAROLINA

"Whereas, in the Second World War the American flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, the American flag symbolizes the ideals for which good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, creed, or national origin; and

"Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the American flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American flag, even now, is the rallying flag for those of the world who would protect its people from the heinous crimes and inhumanity of a despotic ruler and is, for civilized nations, the symbol of resistance to this tyranny and oppression in the Middle East; and

"Whereas, it is only fitting that the people should blend their voices in a forceful call for restoration to the Stars and Stripes of a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate, the House of Representatives concurring*, That the members of the General Assembly memorialize Congress to propose an amendment to the United States Constitution for ratification by the states specifying that Congress and the states may prohibit the physical desecration of the flag of the United States of America; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the President of the United

States Senate, the Speaker of the United States House of Representatives, and the members of this state's congressional delegation."

"STATE OF SOUTH DAKOTA, S. CON. RES. NO. 8

"Whereas, the United States Supreme Court, in Texas vs. Johnson, declared unconstitutional a state statute prohibiting the burning or other desecration of the American flag; and

"Whereas, for more than two hundred years, the American flag has occupied a unique position as the symbol of our nation; and

"Whereas, at the time of the American Revolution, the flag served to unify the thirteen colonies at home while obtaining recognition of national sovereignty abroad; and

"Whereas, hundreds of thousands of courageous Americans have given their lives in defense of the principles that the American flag stands for; and

"Whereas, the American flag symbolizes the nation in peace as well as in war; and

"Whereas, a country's flag symbolizes more than nationhood and national unity, but signifies the ideals that characterize the society that has chosen that emblem, as well as the special history that has animated the growth and power of those ideals; and

"Whereas, the American flag is more than a proud symbol of courage, the determination, and the gifts of nature that transformed thirteen fledgling colonies into a world power, but is a symbol of freedom, of equal opportunity, of religious tolerance and of good will for other peoples who share our aspirations; and

"Whereas, sanctioning the public desecration of the flag will tarnish its value to an extent unjustified by the trivial burden on free expression occasioned by requiring that an available, alternative mode of expression, including uttering words critical of the flag, be employed; and

"Whereas, the ideals of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln; school teachers, like Nathan Hale and Booker T. Washington; the Philippine Scouts who fought at Bataan; and the soldiers who scaled the bluff at Omaha Beach; and

"Whereas, if those ideals are worth fighting for, and our history demonstrates that they are, it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration: Now, therefore, be it

"Resolved, by the Senate of the Sixty-fifth Legislature of the state of South Dakota, the House of Representatives concurring therein, That the Legislature of the state of South Dakota respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution specifying that Congress and the states may prohibit the physical desecration of the flag of the United States."

"STATE OF TENNESSEE, H.J. RES. NO. 638

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, in the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas, in the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas, the American Flag symbolized the ideals for which good and decent people fought in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas, the American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency. Now, therefore, Be it

"Resolved, by the House of Representatives of the 96th General Assembly of the State of Tennessee, the Senate concurring, respectfully memorializes the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the Speaker of the United States Senate and all members of the congressional delegation from the State of Tennessee."

"STATE OF TEXAS, H. CON. RES. NO. 18

"Whereas, The United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statue of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance which the people of this land hold dear; and

"Whereas, The United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

"Whereas, Whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

"Whereas, The members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is our flag, and not a private property subject to a private prerogative to maim or despoil in the passion of individual protest; and

"Whereas, As stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning"; and

"Whereas, This legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire; now, therefore, be it

"Resolved, That the 71st Legislature of the State of Texas, convened in First Called Session, hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from willful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

"Resolved, That a copy of the resolution be prepared and forwarded also to President George Bush, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

"Resolved, That official copies likewise be sent to the presiding officers of the legislatures of several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence."

"STATE OF UTAH, STATE CONCURRENT RESOLUTION NO. 3

"Whereas, the U.S. Supreme Court decision legalizing the burning of the American flag as a form of symbolic political speech poses a threat to the ideals the flag represents;

"Whereas, Americans hold the flag in high respect because it is a symbol of the many freedoms made available to us through our democratic system of government, and stands as a reminder of the men and women who fought and died to protect these freedoms;

"Whereas, in the words of the President, "Flag burning is wrong, dead wrong, the flag is very special to all loyal Americans";

"Whereas, in the words of the National Commander of the American Legion, "Many

a Gold Star mother cherishes the carefully folded triangular bundle of red, white, and blue as the closest link to a fallen hero son";

"Whereas, Americans in Utah and throughout this great land should not stand silent on this issue, but should let our voice be heard until our elected leaders constitutionally protect the American flag; and

"Whereas, many members of Congress give bipartisan support to a constitutional amendment designed to make illegal the physical desecration of the American flag as a form of protected symbolic political speech: Now, therefore, be it

"*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urges Utah's congressional delegation to support a constitutional amendment forbidding the physical desecration of the flag as a form of protected symbolic political speech; and be it further

"*Resolved* That copies of this resolution be sent to President Bush, the leadership of the United States Congress, and Utah's congressional delegation."

STATE OF VIRGINIA, S.J. RES. NO. 101

"Whereas, for over 200 years, the flag of the United States has symbolized our nation; and

"Whereas, on June 14, 1777, the Continental Congress resolved that the flag represents the United States and its ideals of liberty and justice for all its citizens; and

"Whereas, the flag served to unite the 13 colonies and obtain recognition of America's national sovereignty; and

"Whereas, during the British attack on Fort McHenry in the War of 1812, the flag inspired Francis Scott Key to compose the song which became our national anthem; and

"Whereas, at the end of the War Between the States, the American flag again stood for the indestructible union of the United States; and

"Whereas, during the First World War, thousands of Americans died on foreign soil fighting for the American cause symbolized by the flag; and

"Whereas, during the Second World War, thousands of Americans again followed the flag into battle, where many lost their lives in an effort to preserve freedom; and

"Whereas, the flag served to boost the morale of American soldiers in the Korean and Vietnam conflicts, as they fought to preserve democracy; and

"Whereas, Americans of every state, political party, race, creed, and national origin regard the flag as the unifying symbol of the pluralism evident in the United States; and

"Whereas, on June 21, 1989, the Supreme Court reached a 5-4 decision in the case *Texas* v. *Gregory Lee Johnson* holding that physical desecration of the American flag is constitutionally protected free speech; and

"Whereas, the Supreme Court recognized in its decision that "the flag is constant in expressing beliefs Americans share, belief in law and peace and that freedom which sustains the human spirit," and that "the flag as readily signifies this Nation as does the combination of letters found in "America"; and

"Whereas, on June 11, 1990, the Supreme Court, again by a 5-4 decision, in *United States* v. *Eichmann* held that the Flag Burning Act of 1989 was unconstitutional as applied to prosecute defendants for burning the flag and thus overturned the attempt by Congress to respond by statute to protect the flag; and

"Whereas, a majority of both houses of Congress in 1990 then voted to propose a constitutional amendment to enable the states and Congress to enact legislation to ban desecration of the flag, but the vote of 254 to 177 in the House and 58 to 42 in the Senate fell short of the two-thirds majority vote required for Congress to submit the amendment to the states; and

"Whereas, the Virginia General Assembly has recognized the unique status that the American flag holds in the eyes of United States citizens by prohibiting the desecration of the flag pursuant to the Virginia Uniform Flag Act; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly of the Commonwealth of Virginia memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States thereby recognizing the status the flag holds as the unique symbol of nationhood and national unity; and, be it

"*Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the U.S. House of Representatives, the President of the United States Senate and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of the Virginia General Assembly."

"STATE OF WEST VIRGINIA, H. RES. NO. 28

"Whereas, There exist federal and state penal codes to protect the flag of the United States from desecration; and

"Whereas, The flag of the United States is a living symbol of all our freedoms, morally obligating all responsible citizens to preserve, protect and venerate the flag. Neither our founding fathers, members of Congress nor state legislators ever intended that anybody should be allowed to desecrate and mutilate the United States Flag; and

"Whereas, Protecting of the flag of the United States from desecration can only be assured by the enactment of a constitutional amendment; therefore, be it

"*Resolved by the House of Delegates*, That the Congress be hereby urged to propose and adopt an amendment to the Constitution of the United States protecting the flag of the United States from desecration; and, be it further

"*Resolved*, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to each member of the United States Congress."

"STATE OF WISCONSIN, H. RES. NO. 27

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency: now, therefore, be it

"*Resolved by the Assembly, The Senate concurring*, That the legislature of the state of Wisconsin proposed to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

"*Resolved*, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1991 legislature of the state of Wisconsin."

"STATE OF WYOMING, ENROLLED JOINT RESOLUTION NO. 3

"Whereas, the United States Supreme Court in the decision *Texas v. Johnson*, 109 S. Ct. 2533 (1989), held that a conviction under a state statute for flag burning as a means of expressive conduct is inconsistent with the First Amendment;

"Whereas, the United States Flag is a visible symbol of the nation's fight for freedom, signifies peace and pride of America, and is regarded with respect and affection by millions of Americans;

"Whereas, the United States Flag is used as a symbol of respect, pride and honor on postal stamps, courtroom decor, ships, public buildings and caskets of deceased members of the armed forces;

"Whereas, the desecration of the United States Flag by any means and for any reason is disgraceful and cannot be tolerated or go unpunished as it is offensive to the majority of Americans who respect the ideas inspired by the Flag and who desire to preserve the reverence of the Flag: Now, therefore, be it

"*Resolved by the members of the Legislature of the State of Wyoming:*

"Section 1. That the Congress of the United States propose an amendment to the United States Constitution for ratification by at least three-fourths of the state legislatures which grants power to the Congress and the states to regulate, protect and prohibit the desecration in any manner and for any purpose of the United States Flag and to impose criminal penalties.

"Sec. 2. That the Secretary of State send copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Wyoming Congressional Delegation."

(Mr. CAMPBELL assumed the chair.)

Mr. CRAIG. Mr. President, I urge my colleagues to read these memorials, especially the ones from their States. They are an inspiring record of America rediscovering our national symbol and our national soul.

On Flag Day 1994, today, it is extraordinary to know that the sight or mention of our flag still has the power to awaken the spirit of the American patriot across this country.

Mr. President, that is my story—at least the part of the story as far as I know. I have a feeling that we are about to start a new chapter. But in any event, there is one thing I know: This is a story that will never end as long as U.S. citizens have the right to salute Old Glory. Today, I am proud to be one of them. I honor all of those States that have memorialized Congress, and I ask the Congress to move in the direction of recognizing a constitutional amendment once and for all to protect our great flag.

Mr. President, I yield the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX].

THE PRESIDENT'S WELFARE REFORM PACKAGE

Mr. BREAUX. Mr. President, today will be a very historic day because today will be remembered, I think, as the day the President has come through on a campaign promise to end welfare as we know it. Today, the President of the United States will introduce his welfare reform package.

We all remember during the campaign one of the things that distinguished candidate Bill Clinton from many of the previous Democratic candidates was his willingness to tackle difficult and tough issues. And one of those issues that he was very forceful and very articulate on was his commitment to end welfare as we know it.

There is a lot of agreement on welfare, Mr. President, in this country. Nobody likes it. Nobody thinks it works very well. If you talk to people who are more fortunate, who are actually paying for our welfare programs through their tax dollars, they will tell you they do not think their tax dollars are being well spent. Then if you talk to people who are the recipients of welfare, they would agree with that taxpayer, that welfare does not serve their needs very well at all.

So there is a general agreement, I think, in this country, no matter where you happen to sit, whether you are a recipient of welfare or whether you are paying for welfare, that the welfare system in this country is not working like Americans would like to see it work.

After you have agreement by most Americans that it is not working, you then have a lot of disagreement on what should be done about it. There are many conservatives who think that we should spend much less money on welfare without making any fundamental changes in how welfare works. They would argue just spend less money and that will solve the welfare problem.

There are liberals on the other hand, Mr. President, who too often simply argue or have argued for more money to be spent in the welfare programs without making any fundamental changes in the welfare system as we know it.

I think both of those approaches are clearly wrong. Both of those approaches represent the arguments that we have had for decades in the past on how to change the welfare system. In fact, neither side was arguing for real fundamental change—to try to change the welfare program from a program that gives out a check to a program that allows the recipients to earn a check by working for it.

Mr. President, President Clinton's proposal today represents fundamental changes in the welfare system as we have known it for the past several decades. It is a major step in the right direction. Some will argue that it is too much too soon, while others will argue it is not nearly enough and it should be done much more quickly.

I think the concept of trying to phase in these fundamental changes that the President's program is attempting to accomplish is the right way to approach this problem. It is, hopefully, the type of approach that will allow both Republicans and Democrats to come together and join forces and quit the arguments about nothing being done and come together with a positive approach toward solving the problem.

I think the people who have worked with the President very closely in this area, particularly his assistants and advisers—Bruce Reed, David Ellwood, and Mary Jo Baines—have really taken the time and effort to meet with all types of groups and interest groups, State program people, welfare recipients, and Members of Congress and, yes, they have met with Democrats and, yes, they have met with Republicans to try and see where everybody is coming from, to try to put together on paper a proposal that has a real opportunity to pass and get signed into law this year. And also, at the same time, I think they have looked at a program that will get the job done. They are to be given a great deal of credit, and the President is to be given a great deal of credit for insisting that this new proposal be done and introduced in this Congress and, hopefully, adopted and signed into law in this Congress.

First of all, the President's proposal calls for term limits. Some say, no, term limits are bad and you are going to cut people off of welfare. I think I work better when I think there is a time limit within which I have to get something done. I think we are all like that if we know there is no deadline for turning in a school paper, or finishing work on a piece of legislation, or ending debate here in the Senate if we know we can go on forever and ever. I think the same thing is true about welfare.

The President has proposed that all new welfare recipients born in 1972 or later, who would be under 22 years old in 1994, would be subject to these new time limits on receiving welfare benefits. They know they will have to be involved in a program to seek job training and education and get their high school diploma, because after 2 years, they are going to be cut off of the welfare rolls. I will guarantee you that if someone knows there is a time limit within which they have to accomplish something, the chances are that they are going to be more diligent, more active, and more aggressive in training themselves and taking advantage of those benefits that are being offered in order to put them into a position of getting off of welfare and start earning a check instead of just getting a check.

The program that the President has proposed also calls for new, tough sanctions on welfare parents who refuse to play by these new rules. It is not enough just to have new rules if you do not have an enforcement mechanism. The proposal says clearly that people in these programs must stay in school, work, must look for work, or attend job training. If they do not, they are going to be subject to suspension from welfare and run the risk of losing half of their grants. That is going to be a real strong incentive for people who participate in the program to get off of welfare instead of staying on. It ends welfare as a way of life and introduces the concept that people should work for a check and that the Government cannot continue to just give them a check.

It also calls for a great deal of State flexibility. We in Washington clearly do not know all of the answers to all of the problems. The President's proposal gives great flexibility to the States to design the type of program that best fits their particular needs. What works in Louisiana may not work in New York, and what works in New York may not work in California, and you can say that for every State. So we do not need a national bureaucratic set of regulations when it comes to different types of requirements under the welfare program. Let us set the broad guidelines but let the States design the work programs and the training programs that can best fit their needs.

In addition, it calls for strong child support enforcement mechanisms at a time in our country's history when we see the breakdown of the family, more and more divorces in families, and we

see more and more children being born every day into families without a father, with a single parent, maybe do not know where the father happens to be, or paternity has not been proven. We absolutely have to address this problem on a national level.

Under the President's proposal, we will be required to name and to help find a child's father before receiving benefits. Hospitals will be required to establish paternity at birth when the child is born in their facility. For fathers who refuse to pay, wages will be withheld from their paychecks where they are working, and professional and occupational driver's licenses will also be suspended. There are going to be some tough enforcement mechanisms that will go into effect under the Clinton welfare reform proposal.

In order to try and get absentee fathers to recognize their obligation to support the child they have fathered, the legislation will allow the States to require the absentee parents to participate in work programs. We have never been able to address the question of absentee fathers. We have a handle on mothers because we can say: You are not going to get the welfare check unless you participate in the program. But for every mother, there is obviously a father somewhere whom we have not been able to reach out to and bring in and say: Yes, you have an obligation and you must work and, yes, you must pay for this child support. It is not just the burden of the mother or the burden of the Government to take care of your children. Absentee fathers will have a real responsibility to participate in helping to solve this problem.

So we will hear a lot of debate. Liberals will say: It is too strict, too soon, too much requirements. Conservatives will say: It is not enough, and the only thing we need to do is cut off the money and the problem will be solved.

Well, we have tried that for decades, Mr. President, and that obviously has not proved to be the answer. The President has come up with a step-by-step approach to this problem, and it is one that I think merits our consideration. As a member of the Finance Committee which has jurisdiction over legislation of this nature, I say that we intend to move as aggressively as we possibly can. Our chairman, Senator MOYNIHAN, had made an incredibly important contribution to welfare reform in the late 1980's with the Family Support Act. Under his leadership and with the help of Members on both sides of the aisle, we have the ability to make a difference.

I think the President's proposal is a very important step, a very important recommendation. All of the essential ingredients of real reform are contained in this proposal. I commend it to all of my colleagues on both sides of the aisle.

I yield the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

COMMEMORATION OF FLAG DAY, JUNE 14, 1994

Mr. THURMOND. Mr. President, 217 years ago today, the United States was engaged in its War for independence. I note that the American Continental Army, now the U.S. Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the U.S. Army on its 219th birthday.

At the start of that war, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–77. This flag had 13 alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that "the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white in a blue field representing a new constellation."

No record exists as to why the Continental Congress adopted the now-familiar red, white, and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue—for vigilance, perseverance, and justice.

The stripes, symbolic of the Thirteen Original Colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed 12 stars in a circle with the 13th star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the 13 stars in a circle.

Mr. President, as our country has grown, the stars and stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated:

> A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.

Old Glory represents the land, the people, the Government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the Moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Mr. President, today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggested an observance was held throughout the State of Connecticut in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubeka, WI. This began his decades-long campaign for a day of national recognition of the flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on "Laws and Customs Regulating the Use of the Flag of the United States," received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

> Things that the flag stands for were created by the experience of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Mr. President, it is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a

nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

> Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our flag, observing its 217th birthday, and the 219-year-old Army which has so proudly and valiantly defended it and our great Nation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. I thank the Chair.

WELFARE REFORM

Mr. LIEBERMAN. Mr. President, in a short while, I believe in about an hour, President Clinton will be unveiling his welfare reform proposal in Kansas City.

I rise to thank the President for the leadership he has shown by making this proposal because he is putting forth a proposal that is tough, that is sensible, and that I believe will be effective.

Mr. President, with his emphasis on work, family, and responsibility, President Clinton will give us today a blueprint that really will change welfare as we know it and really will end welfare as a way of life.

I think we have to start by facing some hard facts as we talk about this issue. Welfare, as we know it in America today, is a disaster for the people who are on it, as well as for the rest of us who pay for it.

Under our system of welfare, if you are born to an unmarried teenage mother who has not finished high school, which is usually the case, the odds are you will spend the rest of your childhood in poverty. Although 70 percent of those on welfare leave within 2 years, the sad fact is that most of them, and I say that specifically, most of them will eventually return to the welfare rolls.

Welfare has become a revolving door of poverty for generation after generation of the same American families, and its failure has a relationship directly to so many of the other serious problems facing our country today, from illiteracy to crime, from illegitimacy to unemployment.

Mr. President, we all know there has been a great deal of debate within the Clinton administration about the scope and shape of the President's welfare reform plan. I was among those who urged the President to hang tough and produce a plan that offers meaningful change.

Today I rise to say to my colleagues in the Senate that the President has fulfilled his promise to the American people and remained true to his own beliefs by giving us a plan that will end welfare as we know it.

As a result of the President's leadership today, millions of Americans in years ahead will be moving off of welfare, either by working hard and earning an education and a job, or by being kicked off of welfare for failing to play by the same rules that most of America plays by.

The features of the President's welfare reform plan that I believe make a great deal of common sense and should have broad support in the Congress and the Nation are as follows:

A requirement that people who go on welfare start their search for work on day one when they apply for welfare. Too often the system has become one of paperwork for determining eligibility for welfare. What we ought to be doing in the system from the day a person applies is figuring out how we can find that person a job.

The President's program also includes a time limit of 2 years for most people on welfare. A good proposal, a so-called 2-years-and-out proposal. But do not be confused by it. The focus of this program is not to give people 2 years of a free ride on welfare. The focus of the President's program is to say from the day somebody walks into the welfare office to apply for welfare, "How are we, working together, going to find you a job and a better way of life for our country and your kids?"

In the President's program, parents who do not stay in school, look for work, or refuse to go to job training will have welfare payments taken away.

Anyone who turns down a private sector job will be removed from the welfare rolls.

In another area of real concern, illegitimacy and the irresponsibility of fathers of the out-of-wedlock children, hospitals will have to establish the identity of every child born, and the mothers will be required to name and help find their child's father or else they will not receive welfare benefits.

States will be allowed to limit additional benefits for children born of parents on welfare; in other words, capping those benefits after the first child, as some States are already doing.

Fathers who refuse to pay child support will be subject to harsher penalties, including suspension of their driver's license.

Welfare offices will be streamlined, with funding levels tied to the ability of welfare workers to help people on welfare find jobs and get child support.

Many people on welfare will be able to get the support they need to join the work force, including job training, child care, and job search assistance.

And perhaps long-term, as important as anything else, this program of President Clinton's begins a national campaign—I would call it a national crusade—against teenage pregnancy, which must go hand in hand with our welfare reform efforts. If we want to change welfare as a way of life, we have to deal with out-of-wedlock births. Because the simple fact is that a family qualifies for welfare when there is no father in the house, when a child is born to a family without a parent—almost always the father—in the house, and that is what we must stop.

We must make it clear that these births out of wedlock are not only morally wrong, they are sociologically and personally devastating, particularly to the children and also to the rest of society that bears not only the payments for those children but the consequences of their impossible childhood which often expresses itself in criminal behavior.

This campaign against teen pregnancy must begin with the Government, but the Government has to involve religious leaders, the private sector, schools, and families to turn the tide against this devastating, outrageous number of children born to unmarried teenage parents.

Simply put, Mr. President, we must infuse America's welfare system with the values that made America great—family, faith, responsibility, and hard work. Welfare must reinforce and reconstruct families. It must reward responsibility and it must result in work. President Clinton's plan does all of that.

Now, I know it will not get through the legislative process unchanged. I, myself, expect to introduce some amendments to the President's program. But the plan that he is announcing in Kansas City today must be the beginning of an effort that passes welfare reform in this Congress—and the sooner the better—the sooner we can give the American people a system of welfare that is nothing more than temporary aid for those who have no job, not a permanent trap for those who have no hope, the better America will be.

Mr. President, finally, in March of this year, I introduced the Welfare Reform Through State Innovation Act. I am very proud and grateful that some of its provisions are in the President's plan; some others are not. They are designed to complement the administration's national changes in welfare by giving the States wider latitude to experiment with the kinds of cutting-

edge reform ideas that, frankly, are not ready to be implemented at the national level because we do know what impact they will have on people's lives.

I hope that, as we consider and pass a national welfare reform plan, we will include in it such ideas for State experiments. In that way, we can prepare the way for additional national changes in the years to come and build on the critical and courageous process of national welfare reform that President Clinton begins today.

Mr. President, I thank the Chair and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote on my amendment numbered 1776 at 3 p.m. today; that, upon the disposition of that amendment, the Senate vote on Senator D'AMATO's amendment numbered 1775, as amended, if amended; that the preceding occur without any intervening action or debate; and that the time for debate between now and 3 p.m. be equally divided between Senator D'AMATO and myself.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, am I correct in my understanding that, under a previous order, the Senate will be in recess between 12:30 p.m. and 2:30 p.m. to accommodate the respective party conferences?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Accordingly, Mr. President, the time between now and 12:30 and then again between 2:30 and 3 will be for debate on the pending amendments, my amendment and that of Senator D'AMATO, and the time will be controlled by Senator D'AMATO and myself.

I note my colleague from Iowa is standing. Does he wish to address this subject?

Mr. GRASSLEY. I have no objection. I was hoping for 6 minutes for morning business. That is all.

Mr. D'AMATO. I have no objection to that.

Mr. MITCHELL. Mr. President, does the Senator from New York yield 10 minutes of his time to the Senator from Iowa?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator from Iowa is recognized as in morning business for 10 minutes.

Mr. GRASSLEY. First of all, I thank the distinguished majority leader and my colleague from New York for their indulgence.

GAO REPORT ON THE ADVANCED CRUISE MISSILE

Mr. GRASSLEY. Mr. President, I want to speak about a General Accounting Office report just out that deals with the advanced cruise missile, the ACM program.

This is a continuation of a series of speeches on how the ACM program has been mismanaged by the Air Force.

The GAO report verifies and confirms my worst fears and suspicions, those fears and suspicions expressed last year and earlier this year.

The GAO report is entitled "Strategic Cruise Missiles: Issues Regarding Advanced Cruise Missile Program Restructuring." If anybody wants to read it, and I hope they will, it is report No. 94-145, dated May 31 of this year.

The pick-and-shovel work on this report, Mr. President, was done by a Mr. Matt Monigin.

Mr. Mongin is one of GAO's best auditors—along with Mr. Larry Logsdon, who works in another part of GAO.

Mr. Mongin and Mr. Logsdon like to get on the audit trail and stay there until they get to the heart of the problem and crack the nut. They are very effective. They are always thorough and careful to document each point. Their audit results are always precise and very much to the point.

This report is no exception. All the key points are there.

Unfortunately, I am sorry to say, you have to dig a little bit to find the meat in the report.

The sharp point on Mr. Mongin's spear was ground down during the cumbersome GAO inside review process.

This report was heavily massaged by the higher ups at GAO headquarters like Mr. Rob Stolba, who may have a bad case of weak knees when it comes to really criticizing what is wrong at the Defense Department.

But it does not matter. Every point that needs to be made about the mismanagement of the ACM Program is there. Of course, you just have to work a little harder to find it, thanks to Mr. Stolba and company.

This is how I read that report. The Air Force experienced serious cost overruns in the fiscal year 1987 and 1988 production contracts on the ACM. General Dynamics was the contractor. Unfortunately, the Air Force had no money to cover the cost overruns; the Air Force had exhausted all the money in those accounts and was thus in violation of the Anti-Deficiency Act. And the Air Force knew about the money shortfall even before the contract was signed.

The Air Force is required by law to report and to investigate any violation of the Anti-Deficiency Act, and it is supposed to request a deficiency appropriation from the Congress so we keep our hands on the purse strings.

The Air Force did none of these. It ignored the law. Instead, the Air Force developed a devious, destructive and wasteful plan to conceal a violation of this law. The Air Force is still continuing to hide the violation, even this very day.

In May 1992, the Air Force began terminating contracts to generate cash to pay the contractors for the cost overruns way back there in the 1987 and 1988 contracts. The Air Force had bills to pay. They had no money to pay them. Obligations exceeded available appropriations.

That is a serious matter for any manager. So the Air Force terminated the fiscal years 1990, 1991, and 1992 production contracts to pay the bills for the in 1987 and 1988 contracts.

The fiscal year 1990 to 1992 missiles were thus sacrificed to save the 1987- and 1988-year missiles. Since the law forbids the use of fiscal year 1990 to 1992 moneys to cover cost overruns on fiscal year 1987-88 contracts, the Air Force then devised a very clever money laundering scheme.

First the Air Force terminated 1987-88 contracts 1 day and then immediately reawarded a new one to the very same company.

That is called "reprocurement." It is a laundry operation, however. It was a way of trying to make old work look like new work. You douse the old work with a little perfume and, presto, it smells and looks like new work.

The Air Force even gave the contractor, believe this, $587,000 to relabel the old missiles. That was another futile attempt to make the work and the money match up.

But that did not quite do it. You can put a new label on an old missile but, Mr. President, it is still an old missile.

What was the job that had to be done? That is the question. The answer is simple: Just plain and simple, finish 144 fiscal year 1987-88 missiles. Fiscal year 1990 to 1992 dollars, that is 3 years, were used to finish those 144 old missiles. That is a violation of section 1501, title 31, United States Code.

The net result of this illegal maneuver was the loss of 60 missiles. Can you believe that? The loss of 60 missiles.

These missiles were partially completed when their contracts were terminated. None of the terminated missiles were ever completed. They were left for scrap on the factory floor. They remain in bonded storage at a Hughes plant in San Diego, CA.

Now the General Accounting Office estimates that the stored ACM material is worth $227 million, but suggested that some portion of this material could be used for spare parts. That does not make sense to me because those spare parts should be excess to requirements.

The Air Force bought enough spares to support all operational ACM missiles. So more spares are redundant.

Having unneeded spares in no way lessens waste and mismanagement in the program. It just covers up a problem. The excess spares are nothing more than ACM missiles that were never assembled and never delivered. The Air Force paid for all-up missiles, but got nothing of value. That is the bottom line—nothing of value.

The Air Force threw at least 60 ACM missiles on a scrap heap —in effect into a scrap heap—to conceal a blatant violation of law. That is destructive. That is very, very wasteful. At $5 million a shot, that amounts to at least $300 million poured down a rat hole. When termination costs and everything else is included, the total loss on ACM contracts could easily approach $400 million or more.

Bottom line, hence my taking time here on the floor, is simply to call for accountability. Those responsible for such mismanagement and waste must and should be identified and must and should be removed from office. They must be held accountable.

I yield the remainder of my 10 minutes.

The PRESIDING OFFICER. Who yields time?

The Senator from New York [Mr. D'AMATO] is recognized.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, the question of hearings into the Whitewater affair is once again before us. I think there are some very real and very legitimate issues that have to be considered. That is why I am going to take some time to speak to the issue of why I believe the majority leader's amendment is deficient. It is not, I believe, the way in which to have real oversight hearings. It is a pretense, and it falls significantly short of the standards which the Senate has used repeatedly.

Today, the American people are going to learn whether or not Congress, controlled by the Democratic Party, is capable of fulfilling its constitutional oversight responsibilities when there is a Democrat in the White House. The American people, who have watched the Congress during the past 12 years of Republican administrations, know only too well that Congress is capable of thorough, comprehensive, and extensive oversight. Indeed, over the 12 years of the Reagan and Bush administrations, the Congress launched full-scale oversight activities on at least 25 occasions in an effort to scrutinize the conduct of administration officials and their families.

During those 12 years of Republican administrations, there were impassioned speeches by Democratic Members of this body about the solemn obligations of the Congress under the Constitution to search far and wide for truth and to lay all the facts before the American people.

In fact, when the Senate held hearings on the Iran-Contra affair, this is what Senator MITCHELL said.

> We have a solemn responsibility to present all the facts, to bring the full truth to the American people as thoroughly and as fairly and as promptly as possible.

He went on to say,

> It is now time to begin the process of laying the facts before the American people. If, when we finish these hearings, they know the truth, we have been successful.

I suggest that we use this same standard.

During those 12 years of Republican administrations there were several independent counsel investigations. Never once during that time did the Democrats in Congress suggest that Congress should step aside and abandon or postpone its constitutional oversight responsibilities while the independent counsel conducted an investigation. Never once during that time did the Democrats in Congress suggest that the independent counsel should be able to dictate the scope or the timing of congressional oversight activities.

Today, the American people who watched Congress over the past 12 years of the Republican administrations are not going to believe their eyes or their ears. Because today, the same Democrats that stood steadfastly behind the principle that Congress has an independent obligation to investigate the facts and to lay the truth before the American people are probably going to support a coverup, a whitewash, a phony and transparent effort to engage in sham oversight activities.

Mr. President, that is exactly what would take place if we proceeded under the methodology suggested by the amendment that is now being considered. Today, Americans are going to see our Democratic colleagues support an amendment authorizing oversight activities into the Whitewater affair that is so limited and so unfair, that it would have been rejected out of hand by the same Democrats during the past 12 years of Republican administrations.

Today I am going to ask my colleagues in the Senate and the American people to engage in their own oversight of this amendment and let them decide whether or not this amendment provides for the same thorough, fair, and prompt oversight of a Democratic administration that was demanded during the 12 years of Republican administrations.

During Republican administrations, the majority leader's amendment would have called for, and I quote: "An investigation into, and a study of, all matters which have any tendency to reveal the full facts about the Whitewater affair".

Let me give an example. You might ask, "Isn't it overreaching to call for an investigation and a study into all matters which have any tendency to reveal the full facts about the Whitewater affair?" The response is no. As a matter of fact, that standard was used for prior investigations. The limited scope described in this amendment is a farce. There is nothing in this amendment that gives us the ability to look into any matter developed at the hearing.

For example:

> The Senate Iran-Contra Committee was given the authority to investigate and study any activity, circumstance, material, or transaction having a tendency to prove or disprove that any person engaged in any illegal, improper, unauthorized or unethical conduct in connection with the shipment of arms to Iran or the use of proceeds from arms sales to provide assistance to the Nicaraguan rebels.

Listen to those words: "Any activity, circumstance, material, or transaction having a tendency to prove or disprove."

In this amendment before the Senate, here we have a piece of sterile, stripped-down legislation which authorizes us to do what?

It authorizes us to:

> * * * (a) look into communications between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to Whitewater; (b), the Park Service police investigation into the death of Vince Foster; (c), the way in which White House officials handled documents in the Office of the White House Deputy Counsel, Vince Foster, at the time of his death; and then make such findings of fact as are warranted and appropriate.

This is a travesty. This does not constitute real oversight or real investigation. If we wanted to simply whitewash the issues, we could simply accept whatever findings the special counsel put forth. Why do we not simply wait for him to complete his investigation, say that we have no jurisdiction in this matter and be bound by his findings? Then we would be surrendering our constitutional responsibilities.

Let me refer to another committee, the Senate Watergate Committee, which was specifically authorized to investigate—and let me quote:

> Any activities, materials or transactions having a tendency to prove or disprove that persons engaged in any illegal or improper or unethical activities in connection with the Presidential election of 1972.

And yet, my colleagues in the Senate and the American people will search the amendment at the desk in vain for any reference to an investigation or study, let alone an investigation or study of all matters which have a tendency to reveal the full facts.

Do we want the full facts? Do we really want them, or are we so desperate to keep anything that might be

embarrassing to the administration from coming forth? Because this Senator wants the full facts revealed, this Senator must oppose this amendment.

I have no illusions. I understand what is going to happen. It is going to be a party-line vote, and we are going to adopt this amendment. I will then be forced to offer a number of amendments—some 47 that we have drafted—to the bill so that we can attempt to put forth a methodology for the hearings.

This canard—and it is—should stop, and we should develop a methodology of going forth using the same methodology that we have used in the past, with basically the same kind of ratios on the committee, not 11 to 8. I will address that issue also.

It appears that the congressional authority to investigate matters dealing with Presidents are gone, now that a Republican administration is gone. On March 17, 98 Senators said that it was the sense of the Senate that there should be "appropriate congressional oversight, including hearings on all matters—and I repeat—all matters related to Madison Guaranty Savings and Loan, Whitewater Development Corporation, and Capital Management Services, Inc."

Yet, today, the majority leader will urge his Democratic colleagues to support an amendment that fails to cover all matters relating to Whitewater, Madison, and Capital Management. Indeed, it only covers three very, very limited areas.

My Senate colleagues and the American people should ask whether Democrats in Congress would accept oversight hearings with such a limited scope if there was a Republican President in the White House. Of course not. Yet, they will probably support it today.

The amendment being considered appears to acknowledge that there are at least six committees or subcommittees in the Senate with oversight responsibilities over issues raised by the Whitewater affair: The Banking Committee, the Small Business Committee, the Judiciary Committee, the Finance Committee, the Public Lands and Parks Subcommittees, and the Permanent Investigation Subcommittee.

During Republican administrations, if the Senate was to engage in serious oversight involving all of these various committees and subcommittees with legitimate constitutional oversight responsibilities, I think the majority leader's amendment probably would have called for the establishment of a select committee with either equal or closely bipartisan membership. In 1991, when the Senate established a select committee to look into the issue of POW-MIA's left in Vietnam, it created a bipartisan committee with six Democrats and six Republicans.

The 1982 select committee created to investigate the undercover activities of the Justice Department was also bipartisan, with four Democrats and four Republicans.

The 1987 Iran-Contra investigation was conducted by a Senate select committee of 11 members, six Democrats and five Republicans. The Senate created a special subcommittee of the Judiciary in 1980 to look into the links between Billy Carter and Libya. The subcommittee had five Democrats and four Republicans.

I quote these so that we can look at precedents and what has been the established norm. Notice, Mr. President, we are talking about committees either totally balanced or committees with ratios giving to the majority one more member than the minority.

The 1975 select committee investigating alleged improper activities by our intelligence agencies was composed of, again, six Democrats and five Republicans.

The Senate Watergate Committee was composed of four Democrats and three Republicans.

So I think there is ample precedent to suggest that we not have a committee with an 11-to-8 ratio. Yet, the appointment pending today requires that the Whitewater hearings be conducted in the Banking Committee, which has 11 Democrats and eight Republicans. No other committee in the Senate has a larger difference between the number of Democrat members and Republican members. Similarly, there is ample precedent to suggest that we have a committee that is authorized to do the work of the people, to investigate all relevant material and all facts derived, and to follow any leads from the committee's work.

In light of the refusal to come forth with a bipartisan select committee, which was suggested by the Republican leader, the American people might conclude that the Democrats in Congress want to ensure that they control the conduct and outcome of Whitewater oversight hearings by insisting that the Democrats have a three-vote margin over Republicans.

The majority leader is likely to suggest that the Banking Committee is the logical choice for holding Whitewater hearings because of its jurisdiction over issues dealing with the failure of Madison Guaranty. But the majority leader's amendment prevents the Banking Committee from examining any issues relating to the failure of Madison Guaranty. If you realized the scope of Madison Guaranty and its failure, there is no language that gives the Banking Committee the ability to really examine the causes of what took place.

Indeed, the amendment insists that the hearings be held in the Banking Committee, even though two of the three issues that can be examined under the amendment deal, first, with the Park Service investigation of the death of Vince Foster under the jurisdiction of the Energy Committee and second, the way in which White House officials handled documents in the office of Vince Foster, which is under the jurisdiction of the Judiciary Committee and the Governmental Affairs Committee.

My Senate colleagues and the American people should ask whether the Banking Committee was chosen because of its expertise in these areas or because the Democrats have a larger majority of members in that committee.

During a Republican administration, the majority leader's amendment would have made certain that congressional oversight committees had access to all of the information necessary to conduct a complete investigation. During a Republican administration, this amendment would have contained an express provision granting authority to order Federal and State governments to produce all relevant documents. The amendment would have also contained an express provision granting access to any relevant evidence in the control of the Government.

These specific authorities are not something that I have created, Mr. President. These specific authorities were given to the Senate Select Committee investigating Iran-Contra, the select committee to investigate the Justice Department's undercover activities, established in 1982, and the Senate Select Committee investigating Watergate. Yet, today, these specific powers, which are absolutely necessary if one is going to hold a real and meaningful oversight hearing, are absent.

To what conclusion can one come? I would say that the only difference today is that we have a Democrat in the White House. The amendment at hand ignores prior precedent. It should have contained these express provisions empowering us to gather information from others and give us access to relevant documents. It seems to me that when the Senate established the Select Committee on Iran-Contra, it concluded with a similar statement encouraging the committee to obtain information acquired or developed by other investigatory bodies, and that directive is missing in this amendment. It should be here. Why should not evidence or facts developed by other relevant investigatory bodies, whether they be State or Federal, not be available to the Congress?

During Republican administrations, this amendment would have contained a provision requesting the independent counsel to make relevant evidence available to the oversight committees to assist the Congress in conducting a thorough investigation in an expeditious fashion.

Now, I do not just say it would have been for no reason. Let me tell you why I come to this conclusion. Because

such a provision in the resolution establishing the Senate Iran-Contra Select Committee in 1987 existed but it is not here. Why? What is different? Have our responsibilities changed? Has the Constitution changed? No. The only difference is that there is a Democrat in the White House and so now we do not empower the Congress to do what it has done for 20-plus years.

Today, my Senate colleagues would search the majority leader's amendment in vain for any indication that the independent counsel should make available his evidence to the Whitewater Oversight Committee. You mean to tell me if he has developed information that could aid and assist us, information that might not be of a criminal nature but would be important to this committee and its work, that with the millions of dollars which will be spent for and by the independent counsel, the people should not have access through their representatives and through a special committee to review that information and to determine whether or not there are relevant facts that should be put forth?

Mr. President, it is time for my Senate colleagues and the American people to ask, would the Democrats in Congress accept an amendment with all these glaring deficiencies if they were conducting oversight hearings with a Republican President in the White House? I do not think so. As a matter of fact, they never have. Perhaps if the Senate for just one moment could pretend that there was a Republican in the White House, then it could determine what should be the authorizing scope of the committee. Should it have access to relevant documents contained by State officials and by others and information developed by special counsel? If the Senate could pretend that there was a Republican in the White House then possibly they could muster the courage to vote to defeat this amendment instead of merely pretending to provide a thorough and fair Whitewater oversight hearing.

The amendment at hand is a pretense, and it is a poor one. It does not do this body or the American people justice. It does not empower us to conduct fair, thorough, and impartial hearings. And it is a very poor pretense at that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). Who yields time?

Mr. D'AMATO. I yield whatever time the Senator from Missouri needs.

The PRESIDING OFFICER. The Senator controls 12½ minutes. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair. I thank my ranking member for his great leadership on this issue and also for his kindness in allocating me some time.

Mr. President, I wish to spend a few minutes discussing the amendment offered by the Democratic leader. As observers of this debate should know by now, we have before us one serious proposal to fulfill our constitutional oversight responsibilities and hold full and complete hearings on the Whitewater-Madison affair and related activities. And we have a substitute proposal offered by the Senate majority leader which should not be considered serious. One proposal says look at the facts. The other says look only at these select facts. Do not ask anything beyond that and do not ask about motives or purposes or content or background.

The serious proposal, that of the Senator from New York, understands that to limit the scope of the hearings is to continue the stonewalling. The sham proposal understands that as well but apparently it hopes to get away with it.

Let me go over what the Mitchell fig leaf amendment would allow those of us on the Banking Committee to do. We could:

> Conduct hearings on whether improper conduct occurred regarding the three following issues:
>
> (A) Communications between officials of the White House, the Department of Treasury and the Resolution Trust Corporation relating to the Whitewater Development Corporation and Madison Guaranty Savings and Loan Association;
>
> (B) The Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and
>
> (C) The way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

And then we can make such findings of fact which are warranted and appropriate.

What does that mean? Let me review the point. First, communications. The Mitchell amendment would allow us to ask questions about the heads-up briefing given by Secretary Altman to White House officials. We could ask potentially why he was interfering with the special prosecutor's investigation by having this meeting, any subsequent phone calls 2 weeks after the special counsel was appointed. We could ask to whom he talked, when, and who made the decision to brief the White House.

We could then question Treasury Counsel Jean Hanson about her improper briefings about the RTC criminal referral. We could ask who briefed her, who else discussed the referrals, who asked for the briefings. We could ask who directed her to inform the White House, who initiated the contacts, and who else she may have talked to about the criminal referrals. But we could not ask what was in the referrals. We could not ask why the tip offs and heads up were so important that Federal officials would violate their own procedures in order to divulge information. If I were to ask: Well, what was in the referrals that was worth jeopardizing your career, it would be totally in order under the Mitchell amendment for the chairman of the Banking Committee to say: Sorry, out of order; it does not pertain to the communications. It pertains to the content.

We could also not follow up on questions I asked this past February about whether the RTC has a special system for handling politically sensitive cases, as we now know they do. But when was it developed? How often is it used? Were other politically connected people given special treatment as the First Family?

This line of questions is clearly relevant to how the RTC does its job and how it may or may not have fallen down on the job in the Madison Guaranty case. But the Mitchell amendment would not allow these legitimate background-setting questions to be asked.

What about the Department of Justice? At the time of the second briefing at the White House, Justice had the criminal referrals. Do you mean to tell me that when we hold these hearings to get at the facts we cannot ask the simple question: Did anyone at the White House talk to anyone at the Department of Justice about these referrals? How ludicrous is that?

This administration has shown they were willing to take extraordinary steps to manage and control the Whitewater-Madison case. They had a team of people at Treasury keeping tabs on it. How do we know there was not another team at Justice?

Remember Assistant Attorney General Webb Hubbell in Little Rock or U.S. Attorney Paula Casey? Paula Casey handled the first RTC criminal referral on Madison Guaranty and had successfully buried it by deciding not to prosecute. And the Department of Justice had received the second referral a week before the second RTC-Treasury White House briefing. Thus, while the White House was meeting on the referral, the Department of Justice already had it. Surely, the White House would have wanted to know what the Justice Department was planning to do.

So did Webb Hubbell or his staff talk to the White House? Were there meetings between Justice and the White House? Had Justice told the White House or the Clintons about the first referral they had killed off? Did they inform them about the second set?

And do not forget, after the press brought this issue to the attention of the country, both Webb Hubbell and Paula Casey determined that they were so close to the case that they both recused themselves. However, I must note that these recusals came a month after Justice received the second referral—but only a week after the referral's existence became public. So why the delay? What instructions did they give prior to their recusals? Did they

violate Justice policies on recusals because of their delay? How could they have been involved in the first referral—to such a degree that Paula Casey made the final decision not to prosecute—but then decide to bow out and recuse themselves on the second set of referrals? What was different in the two instances?

Unfortunately, the Democratic leader's amendment would not allow these questions. Under the Mitchell amendment, this part of the Washington story would just stay swept under the rug.

Mr. President, this leads to an interesting question. Why would this topic not be included—instead, in fact, be specifically excluded?

It is not part of the Arkansas portion that Fiske continues to work on. In fact one of the potential key players, Webb Hubbell, has already resigned. So if the leadership is serious about this, as they say they are, what possible reason could there be for telling Congress that we cannot ask one question about how Justice handled this entire matter? And even more interesting, during our one hearing in the Banking Committee, I submitted a series of questions to the RTC asking about timing and the handling of criminal referral. Let me go over some of these questions and the responses from the RTC.

Question 3B:

I am particularly troubled by the fact that it took over a year for the RTC to receive an official response in the initial criminal referral. Also, is it normal RTC practice to send additional investigators for further investigation on a matter before hearing that status of the first referral?

Answer from the RTC:

There is no standardized procedure in this regard. Any questions concerning responses from the Department of Justice in this matter should be directed to the Department of Justice.

The next question has two parts to Mr. Altman about a memo from the Criminal Division of the Department of Justice which concluded that the criminal referral did not appear to warrant initiation of criminal questions. I asked, A, how the decision was made.

B: Who was responsible for communicating these decisions?

The answer, No. 4—and I will read it in full—is as follows:

A: This question should be directed to the Department of Justice.

B: This question should be directed to the Department of Justice.

There were four separate responses from the RTC saying these questions should be directed to the Department of Justice. But the majority leader's proposal continues to block us from getting these answers from the Department of Justice.

Now those are just a few of my concerns about the communications provisions of the Mitchell amendment. The second topic is the Park Service Police investigation. My reading of this is we could not ask one question about why the FBI was not immediately put on the case. We could not interview or question the FBI agents who stood around waiting for permission from the White House counsel to look for evidence in Foster's office. We could not ask whether it was the White House or someone else who made the decision to use the Park Police rather than the FBI.

Instead we would be restricted to interviewing or questioning those Park Service personnel involved in the investigation. Again, I must ask why?

And third, and perhaps the most flagrant example of why the Mitchell amendment deserves the sham label is the category the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

This is almost the theater of the absurd. For this means we could ask whether staff used their right or left hand to handle or pick up the files. We could ask as to whether they were in manila or cream colored folders? Were they in boxes, or inside other accordion files? Were they heavy or light? Were they then placed in a box or other file in order to remove them secretly? Were they handed off to anyone? If so who? And did that person hand them to someone else, et cetera, et cetera.

But we could not ask the obvious question—what was in the files? The Mitchell amendment makes that fundamental question outside the scope.

Mr. President, I kind of wonder. Now why would high level White House staffers be searching Vince Foster's office hours after his death? What were they looking for? Did they find it? Why did they conceal this information from the investigators? Under the Mitchell amendment we are supposed to be happy with the conclusion that these were motiveless acts.

And equally important, what were Whitewater/Madison files doing in Foster's office in the first place? Who, besides Foster, knew of their existence? Did anyone else work on them or have access to them? These would also be questions that would be outside the scope under the majority leader's amendment.

Mr. President, any fair minded person who reviews this record would come to the conclusion that the Mitchell amendment is simply not serious. It is only an effort to give lip service to hearings, while fulfilling its real goal of providing political cover to this administration.

What is needed is a balanced panel, with the authority to review the relevant questions. It should coordinate with Special Counsel Fiske, but not be controlled by it, and it should have as its goal placing all the facts on the table—the whos, whats, wheres, whens, whys and hows.

The majority leaders proposal fails this test.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York controls 37 seconds; the majority leader controls 40 minutes, 58 seconds.

Mr. MITCHELL. Mr. President, and Members of the Senate, for several months the public opinion polls have shown that more than two-thirds of the American people, over 70 percent in some polls, believe that Senate Republicans are not seriously interested in the Whitewater matter but are doing this for purely political purposes.

Almost every word spoken on the floor of the Senate today by our Republican colleagues confirms that judgment by the American people.

What our colleagues want is a political circus. They are not interested in a serious investigation. They want a political circus for two reasons.

First, as a vehicle to attack the President. Week after week after week we have seen the most flagrant use of innuendo on the Senate floor as one Republican Senator after another makes unsubstantiated, unproven, reckless allegations about the President and Mrs. Clinton, all in an effort to talk about these hearings, all in an effort to damage the character and reputation of the President and First Lady of the United States. That is what is behind all this—raw partisan politics.

The second reason for all of this dust thrown in the air is to divert attention from the complete absence of any Republican program to address the problems confronting this country. Every American knows the Republican position on Whitewater. But there is not a single American who knows the Republican position on economic growth and creating jobs in this country, and that is because there is not one.

I challenge any American listening to these words today to write down what is the Republican program for economic growth and job creation. There is not one.

Last year—just a year ago—we stood on this Senate floor and debated the President's economic plan, and the very people who have been standing here arguing about Whitewater stood up and said if we passed the President's economic plan economic growth will go down, the deficit will go up and unemployment will go up.

We passed it, and every Republican voted against it. And what has happened since then? It is the opposite of what they said. Economic growth has gone way up, unemployment has gone way down, and the deficit has gone way down. And as the economy has improved, the faces of our Republican colleagues have grown longer and longer. They do not have anything to talk about. They do not have a program for economic growth. They do not have a

program for creating jobs. They do not have a program for dealing with health care reform.

Well, here comes manna from heaven in the form of Whitewater. So now they have a program. You could write the entire Republican platform in one word—Whitewater. That is it.

On March 17, 98 Senators voted 98 to 0 for a resolution which said that there should be hearings, and "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr."

Now my colleague from Missouri just stood up and said, "Well, we can ask about the referrals by the RTC but we cannot ask about the content of the referrals." That is exactly right, because the special counsel has strongly urged that there not be inquiries about the contents of the referrals at this time because it will jeopardize his investigation.

On March 9, in a press conference, he said expressly that. After meeting with the Senator from New York and other of our colleagues, he said: "When they finish the first phase of the investigation, we would have no objection to congressional hearings at that point so long as something can be done to protect against having the contents of the RTC referrals themselves come out in those hearings."

That is precisely the point.

So when the Senator from Missouri says we want to get out the contents of those referrals, he is contradicting his own vote for the resolution of March 17 and directly contradicting the specific request orally and in writing of the special counsel. In other words, not only are our colleagues so desperate for political circus that they will make unsubstantiated and reckless allegations about the President and the First Lady of the United States, but they are prepared to contradict themselves. Almost every position taken with respect to this resolution directly contradicts a prior position by our Republican colleagues.

On the subject of the referrals, as I have just noticed; on the subject of immunity; on almost every other subject they have zigged and zagged and flipped and flopped and have gone back and forth. And why is that? Because there is no consistent principle behind their position. All they want to do is to be able to throw sticks and stones at the President and Mrs. Clinton. And if it takes a zig to be able to throw stones at the President, they will zig; if it takes a zag to be able to throw stones at the President, they will zag; if it takes a flip to throw stones at the President, they there will flip; if it takes a flop to throw stones at the President, they will flop. Zig and zag, flip and flop, one position today, another position tomorrow, a third position next day, a fourth position the next day. There is simply no consistent principle behind their views.

And that makes it clear. It is an effort to attack and undermine the character and reputation of the President of the United States and to divert attention from their own lack of any meaningful program to deal with the problems of this country.

Mr. President, I want to address the question of the scope of the investigation. I have said right from the beginning publicly here on the Senate floor, in press conferences, and privately in discussions with our colleagues that the Congress will meet its responsibility of oversight in this matter in a serious responsible way. We are not going to participate in and condone a political circus, as our colleagues want. We are going to do it in a serious way.

This resolution provides for hearings on those matters that are to be completed in the investigation of the special counsel at this time. There can and should be no doubt that the remainder of the matters will also be the subject of hearings at a time when it does not interfere with or undermine the special counsel's investigation, and the best evidence that that will occur is that we are now going to have these hearings. The same people who are here now saying we will not have hearings in the future also said we would not have these hearings. They were dead wrong on that, and they are dead wrong on the statements today.

The question is whether the Senate will now honor its resolution, passed 98 to 0 on March 17, that the hearings shall be structured and sequenced in such a manner that they would not interfere with the ongoing investigation of the special counsel.

Let me repeat once again, lest anyone has forgotten. Our Republican colleagues called for the appointment of a special counsel. He was appointed. The special counsel is a Republican, a lifelong Republican, a man of total integrity and with a high reputation. His appointment was praised by our Republican colleagues, including the Senator from New York. But not 5 minutes after he took office, they began to ask for congressional hearings, which the special counsel has said will, if conducted as they wish, undermine his investigation. Once again, a complete flip-flop in position, a zigging and zagging, all for the purpose of trying to undermine the President and First Lady of the United States.

That is what this is all about. How else could someone take a position one day and reverse it the next, take a position one week and reverse it the next, take a position one month and reverse it the next?

There have been more zigs, more zags, more flips, more flops by our Republican colleagues on this issue than I have seen on almost any other issue that has come before the Senate. And that is what happens when you do not have a consistent principle motivating your actions.

When your only objective is political, when your only objective is partisan, when your only objective is to attack and undermine the President of the United States, then, of course, flips and flops and zigs and zags do not mean anything. That is why our colleagues take one position one day and reverse the next day. That is why they cast a vote unanimously on March 17 and then take an opposite position when they come before the Senate here.

The American people know that. They understand it very well. That is why our colleagues are not scoring any points on this. I know it is frustrating to them. But nobody is paying attention to this.

The fact of the matter is, the people know what is going on. They know that our colleagues only want a political circus to attack the President and divert attention away from their lack of having any meaningful program to deal with the problems facing this country.

Mr. President, I conclude by asking the American people again—you know the Republican program on Whitewater; they have talked about it enough—is there a single American who knows the Republican program for economic growth or job creation? The answer is no, because there is not one. That tells you the story right there.

ORDER OF PROCEDURE

THE PRESIDING OFFICER. Under the previous order, the order is that the Senate will now stand in recess.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate be allowed to continue for 10 minutes, so that I might speak as if in morning business.

The PRESIDING OFFICER. Is their objection?

Mr. MITCHELL. Mr. President, we have a caucus and we have to have a presiding officer.

Might I suggest that our colleague come back? The Senator from New York is out of time in this debate. I was going to give him some of my time additionally afterward.

Would he agree to give that time to the Senator from Mississippi?

Mr. LOTT. If I could inquire of the Chair, on the time agreement, has there been a time entered into for a vote at a specific time?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. That was divided in such a way that Senator D'AMATO's time has all been used?

Mr. MITCHELL. That is correct.

Mr. LOTT. I would like to ask, Mr. President, if I could take advantage of the offer that the distinguished majority leader has made. I would like to come back at the appointed time of 2:30 and I would like to have an opportunity to speak at that time, if he

would be kind enough to yield such time, because I do feel like the leader made some points I would like to comment on. I would appreciate his assistance so that I may have that opportunity.

Mr. MITCHELL. Let me be clear. The time was divided 41 minutes each. The Senator used up all of his 41 minutes before I said a word. I have 30 minutes left. The Senator has no time left. He asked me if I would accommodate him and give him an additional 5 minutes of time during the remaining period. I told him I would do so.

I would be pleased to do that and I would be glad to extend that to 10 minutes, if the Senator would like some time. But that would be from 2:30 to 2:40. In other words, I will give you more of my time.

Mr. LOTT. I thank the majority leader for that offer. I would like to take advantage of it.

The PRESIDING OFFICER. The Chair will observe that the Senator from New York controls 37 seconds.

Mr. MITCHELL. Mr. President I ask unanimous consent that the Senator from New York control the time from 2:30 to 2:40 and that I control the time from 2:40 to the vote at 3 p.m.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:30 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. DORGAN). Under the previous order, the time until 2:40 p.m. is under the control of the Senator from New York [Mr. D'AMATO].

Who seeks recognition.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, we divided the time up in such a way that the Republicans had used all of their time prior to 2:30, and the remaining half-hour was under my control.

I then agreed to cede to our Republican colleagues 10 minutes of my time between 2:30 and 2:40, and then I would take from 2:40 until 3.

Our colleagues are not present so I will suggest the absence of a quorum and ask the time be charged against our colleagues——

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. MITCHELL. I see the Senator on the floor and the Senator has until 2:40 on the matter.

Mr. LOTT. I thank the majority leader. I appreciate his generosity, giving us this opportunity.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. President, I cannot help but wonder that the majority leader protests too much. He says there is, you know, no real push to have these hearings. He says there does not appear to be a lot of interest in it—or at least that was my interpretation of what he was saying before the noon hour.

I think all we are trying to do is to reach an agreement whereby we can have these hearings, some process to make sure that we have the hearings and that there is a reasonable amount of time allowed for it and that there is a committee that is designated and has the ability to ask any legitimate questions about what is involved in Whitewater. That is all we are trying to do here, is to get some process agreed to.

I was looking at this resolution that has been referred to several times that passed overwhelmingly. What that resolution said, when we passed it some several weeks ago—it says, among other things, "including hearings on all matters related to 'Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services Inc.'"

That is pretty broad. The resolution that the majority leader has offered, it would seem to me, would not allow for all matters related to Madison Guaranty Savings & Loan to be included in these hearings. So I think we should get serious about reaching an agreement on what the time would be and recognize these hearings are going to go beyond these very narrow, restricted areas that are in the majority leader's resolution.

What are we going to do if we get in the Banking Committee and a Senator asks a legitimate, related question to Madison Guaranty Savings & Loan? Is he going to be cut off by the chairman? Why, of course not.

If it does run into some conflict with the Fiske investigation, I am sure the committee leadership, the chairman and the ranking member, will make every effort to accommodate that. But to say it is going to be limited to these very narrow areas, we cannot get into other related issues, is just not going to be acceptable.

It is being said here this is just playing politics. That is all that is involved—just politics. As a matter of fact, I have a number of quotes here from the past on other issues. You remember a few years ago we had the Iran-Contra hearing? This is a quote from the leader at the time.

> This investigation need not and will not paralyze government or permanently damage the presidency. Instead, it can demonstrate anew the strength of democratic government conducted openly; it can reaffirm the important principle that in America no one is above the Constitution and everyone must obey the law.

Well said. And I would think it would be applicable to this set of circumstances. Some of us remember the so-called October Surprise. I do not know there has ever been a more bogus issue, but we had this October Surprise that was supposed to happen in 1992. There was some concern that maybe this was just playing politics because, after all, it was involving the Presidential election. I have here a statement from the Speaker of the House, Speaker FOLEY, and the majority leader in the Senate, Senator MITCHELL.

> We have no conclusive evidence of wrongdoing. But the seriousness of the allegations and the weight of the circumstantial information compel an effort to establish the facts.

It seems to me that should be the situation here. To have a committee with a reasonable amount of time to do their job without restricting and tying their hands to find the facts is our constitutional responsibility.

So I do not feel at all that anybody is trying to play politics with this. In fact, it looks to me like the politics is on the other side. We have been talking about having these hearings for weeks now, and I know negotiations have gone on between our respective leaders, Senator DOLE and Senator MITCHELL, but they have not come to a conclusion. Now we are told, if you do not take it the way we have offered it where the hearings do not even begin until after, probably, July 30, and with these very strict limitations, then you are not serious about having a hearing. We are serious. I think with just a couple of changes our leaders could get together and set up a process that would go forward. So I urge that be done.

But to think that we are just going to have to take what the majority leader has offered here, the way he offered it, whole hog, and just go with it—that is just not going to happen. We have a right to expect a fair and complete hearing but not a sham.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New York controls 3 minutes 10 seconds.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I am wondering, since I only have 3 minutes and some odd seconds, if the majority leader might not use some of his time? I think Senator DOLE would like to speak. So I would like to offer him that

3 minutes, if he would like. I cannot find him right now. Let us say, if we could speak up to the last 3 to 5 minutes? I know the majority leader would want to wrap up.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, the majority leader.

Mr. MITCHELL. Mr. President, I have already yielded 10 minutes of my time to my Republican colleagues, and I will be pleased to yield more to accommodate the distinguished Republican leader.

I would like to have it so that, as is our regular practice, the minority leader makes the next-to-the-last statement and the majority leader makes the last statement.

Mr. D'AMATO. That was my intent. We sent out for the minority leader, to let him know that he does have 3 minutes to speak.

Mr. MITCHELL. I just point out, in this debate today, Republican Senators have spoken for about 50 minutes and Democratic Senators have spoken for about 10 minutes.

I want to be accommodating. I want to be fair. I think fairness suggests there be something like reasonable equity in time. But why does my colleague not proceed for whatever couple of minutes he has. I will speak and then I will yield to the Republican leader when he comes in. Here he is now. If he would like to speak?

Mr. D'AMATO. The Republican leader is here, and I am prepared to yield him whatever time I have, the 3 minutes you gave me.

The PRESIDING OFFICER. The Chair would advise the Senator from New York that the Senator from New York controls the time until 2:40, which is 1 minute 20 seconds, after which the majority leader controls the time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the distinguished Republican leader be recognized for 5 minutes of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas, the Republican leader, for 5 minutes.

Mr. DOLE. Mr. President, I thank the majority leader.

We have agreed to vote at 3 o'clock. I think there is no doubt about the outcome of that vote. But I wanted to go back to the resolution we passed on March 17, as I recall, by a vote of 98 to zero.

In that vote we endorsed hearings on all matters— all matters—"all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services Inc."

As I said in the past, the majority leader and I tried to get together. We both acted in good faith. We could not work out an agreement. This is a very politically sensitive matter. We did not make a great deal of progress.

So today we are deadlocked. You might call it Whitewater gridlock. In effect, we are being told, "Well, that vote in March did not really mean anything because we don't want to have hearings on all the matters; we want to have hearings on just some of the issues."

So we have a choice here. We have two amendments: One seeks a full airing, and one seeks a limited airing. The D'Amato amendment, in effect, directs us to fulfill our oversight responsibilities. The amendment by the distinguished majority leader, in my view—and you can argue about it, I guess—abdicates too much responsibility to Mr. Fiske, to an unelected bureaucrat, a good lawyer, appointed by the Attorney General, and he, in effect, will determine when Congress can have hearings and what we can ask witnesses and what the scope will be. So it seems to me that it is fairly clear.

We are the minority, and maybe the minority should not have any rights. I guess that is what this vote is all about. We will have to accept as a minority whatever we get; we ought to be thankful we are going to have very limited hearings and a committee that is controlled 11 to 8 by the Democrats and a resolution that says we have to complete our work by the end of this Congress.

We do not know when we are going to start the hearings. Maybe not until August. It seems to me it is particularly bad precedent that, in effect, Republicans in this case—because in my view the minority-majority can change—but at this time in history, the Republicans are the minority and the Democrats have the majority. Under the resolution we are going to be asked to vote on, we would not be allowed to examine the Justice Department's handling of the RTC criminal referrals. That is outside the scope.

We would not be able to look at how Madison Guaranty was treated by the S&L regulators, because that is outside the scope.

We would not be able to look into the SBA loans that somehow found their way into the Whitewater partnership because that is outside the very limited scope of the hearings.

We would not be able to look into anything on commodities, because that is outside the scope, even though, as I understand, the independent counsel is not even going to look into the commodities issue. But we cannot look into it, either.

We would not be able to ask the U.S. attorney in Little Rock why she delayed so long in recusing herself from the prosecution of David Hale.

So it seems to me we have a problem on this side of the aisle. We do not want to frustrate the majority leader nor the majority, but it seems to me if a party—in this case the Republican Party—has any rights at all, if you are the minority, we had better demonstrate what we believe those rights are now, because next year the shoe may be on the other foot.

So this is a very important issue, as far as this Senator is concerned. And as I said before, I never accused anybody of anything in the so-called Whitewater affair; I never made any accusation. I heard the Senator from Arkansas, I think properly, say a lot of accusations are being made. But not by this Senator.

What about the 25 hearings during the Reagan and Bush administrations, was that just politics, too? When we had Republican Presidents, all those hearings by a Democratic Congress, 25, was that all politics?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I ask if I may have 1 minute of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, so whether it was the October Surprise, or something else, I do not think a political circus standard was then in effect. I still hope we can resolve some major areas of disagreement that would give the American people a right to have us conduct fair hearings, and they can sort it out. The American people are very smart and sophisticated. They are going to determine what is fact and what is fiction.

So, Mr. President, I hope none of my colleagues vote for the pending amendment. This is bad precedent. Today, it is the Republicans who are being penalized. Next year, it could be the other party that might be penalized if this becomes a precedent.

Robert Fiske's job is criminal prosecution. Our job is public disclosure. And I hope, in this case, we will have public disclosure on a bipartisan basis.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks recognition?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, do I have about 2 minutes?

The PRESIDING OFFICER. The Senator from New York has 1 minute 17 seconds remaining.

Mr. D'AMATO. Mr. President, that is probably more than enough time.

Let me say it is our constitutional responsibility to the American people to search for the truth about the Whitewater affair and to provide the facts to the public, and we cannot do that without the proper tools.

But the pending amendment does not give us that ability, does not provide us with the ability to go forward. Indeed, it is an empty toolbox.

There is no way we can do our jobs unless we improve this amendment. I hope that we will have that opportunity. This amendment is going to be

adopted. I hope we can improve upon it, either legislatively or by way of accommodation with the majority.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, the issue today is whether the Senate will meet its constitutional obligations in a serious and responsible manner, or whether the Senate will participate in a political circus. That is the issue.

The resolution on which we will vote at 3 p.m. is consistent with the resolution adopted by a vote of 98–0 in the Senate on March 17 and will, in fact, provide precisely what the Senator from Mississippi has asked: Hearings before an appropriate committee that will permit legitimate questions and establish the truth. What it will not permit is the kind of political circus that our colleagues want to engage in for the sole purpose—the sole purpose—of attacking the President and the First Lady of the United States.

Mr. President, the distinguished minority leader said the issue is whether the minority should not have any rights. But the fact is that the resolution offered here by our Republican colleagues provides for rights that are broader and more expansive than ever before granted in the history of the U.S. Senate. Never in the more than 200 years of history of this Senate, as far as we have been able to determine through research, and I asked the Senator from New York and he could not confirm it, has the minority been given the power that they seek in their resolution.

They want to expand powers not just to have any rights but just to have total rights, to be able to conduct independently a political circus. Never before in the history of this Senate have these rights been granted to the minority, whether it was Democrat or Republican.

And so let us be clear about it. The issue is not whether the minority is to have any rights; the issue is whether the minority is to have rights that are without precedent, that have never before been granted, for what is obviously an effort to make this into a political circus.

The statement was made we do not know whether they will start until August. But, Mr. President, by its very terms, the resolution I have offered requires the hearings to start not later than July 30, and sooner if the special counsel shortly concludes his investigation.

With respect to the scope of the hearings, the resolution passed by the Senate by a vote of 98–0 in March said, and I quote:

> The hearings should be structured in sequence in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

That is what the resolution said that every Senator voted for. We are now going to conduct hearings on the phase of the investigation being completed by the special counsel consistent with that resolution, and we will have hearings on the remainder of the subjects when the special counsel completes the remainder of the investigation.

Our colleagues are pursuing a course of action which, if adopted, would very likely undermine and negate the special counsel's investigation and make it impossible for full justice to be done. Everyone in the Senate recalls the Iran-Contra matter which has been raised several times by our colleagues. Arising out of that the matter, former Marine Col. Oliver North was indicted and convicted on three felony counts, and those convictions were then overturned by the court of appeals. In its decision, the court of appeals set forth a test for witnesses testifying under congressional immunity which effectively precludes their subsequent prosecution. And as the special counsel in that case and many others have since said, it is clear Congress must now make a choice: either have congressional investigations or permit investigations by counsels and prosecutors to go forward, and in that investigation, I repeat, let the chips fall where they may. If there has been wrongdoing, the special counsel will find it and prosecute and punish the appropriate people.

In order to meet that objection, at the time we debated the March resolution and before, our colleagues were very firm in their position that no immunity should be granted. On March 9, Senator D'AMATO in a press conference following a meeting with Mr. Fiske said, "We have made it clear to Mr. Fiske that under no circumstances do we intend to grant immunity."

"Under no circumstances." Mr. Fiske said, following the same meeting, "I've been assured that immunity will not be granted to any witness in any of these investigations. That is an extremely positive assurance as far as we're concerned from the point of view of our investigation and we're very grateful to hear that."

Now our colleague comes in and proposes a resolution that would permit the granting of immunity, and the Senator from New York spent a long time in the Chamber requesting, arguing for the right to grant immunity with the approval of the special counsel. But there was no question about approval in these statements in March. "Under no circumstances" means under no circumstances. It does not mean after someone else's approval.

And so, Mr. President, I say this is a good example of the kind of zigging and zagging and flipping and flopping that comes from the fact that there is no consistent principle behind my colleague's resolution.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. MITCHELL. No, I will not. We had 82 minutes, and I have given the Republicans 60 of those minutes—more than 60 of those minutes. I would like to have a chance to say a few words.

Mr. D'AMATO. Certainly.

Mr. MITCHELL. I thank the Senator.

Now, Mr. President, what we have had is going back and forth because the purpose motivating this is to embarrass the President and Mrs. Clinton. And the American people know that. The polls are consistent. Up to 70 percent of the American people report and conclude that our Republican colleagues are doing this for political purposes; that they are not seriously interested in this matter; that it is political in nature.

Finally, another difference: Who would conduct the investigation? We have a committee structure in Congress. We have a committee with jurisdiction over this matter. We have a committee in which all prior discussions and hearings on this matter have been held. But our colleagues do not want that. Now they want a special committee, one which itself has no precedent, one which would have equal membership and have a Republican cochairman who would be invested with powers that have never previously been granted in the Senate's history.

That tells you the intention is not to conduct a serious investigation within the established practices based upon the procedures and precedents of the Senate, in the committee which has jurisdiction, but to create this new mechanism which has not previously existed with powers that have never been granted so that a political circus can occur, and innuendo and accusations can be hurled against the President as we have heard on this Senate floor in the last few days.

Reference is made to "four verified attempts on a person's life." Reference is made to "money laundering." Reference is made to all kinds of lurid matter that have nothing to do with President Clinton but are raised in the debate and tossed out there in an effort to create by innuendo the suggestion that somehow the President has something to do with this when in fact there is no evidence, no substantiation, no basis for making such accusations.

That is why they want the independent power in this committee, and that is why that power should not exist. We ought to have an inquiry. It ought to be responsible. It ought to be consistent with the practices and procedures of the Senate and the legislative processes of the Senate. It ought to concentrate in this first phase on the first phase completed by the special counsel. That is what the Senate voted for 98 to zero in March. And when the special counsel completes the rest of his

investigation, then there ought to be hearings on the rest of the subject matters as well. And the best evidence that will occur is that the very people now protesting it will not occur are the same people who protested that these first hearings would not occur. Proven wrong once they make the same argument and will be proven wrong again because we are going to proceed with this matter, and we are going to do it in a responsible and a thoughtful way.

I want finally to repeat what I have said before. The special counsel was appointed at the request of Republican Senators. The special counsel is himself a Republican, a lifelong Republican. His appointment was praised by our Republican colleagues, including the Senator from New York, who stated that he is a man of integrity, a man of experience. That special counsel has now asked this Senate in writing and orally not to take actions which will undermine his investigation. And I believe we ought to honor that request. I am confident that if there is wrongdoing, he will find it, he will prosecute it, and the persons involved will be punished.

But if we now take actions which undermine that investigation, it is a course which we will later regret. It is not the responsible course of action. It is the political course of action. It is not the right course of action. It is the partisan course of action. And it is ironic that after publicly urging the appointment of a special counsel, our Republican colleagues within 5 minutes after his appointment reversed course again and began clamoring for an investigation even though he requested in writing and personally that no hearings occur which might undermine his investigation.

So the issue here is—and it is a very simple one before the Senate—are we going to have a serious, responsible inquiry by the Congress, including public hearings, or are we going to have a political circus? I urge my colleagues to vote for a serious, responsible inquiry and not to vote for a political circus.

Mr. LOTT. Will the distinguished majority leader yield for a question?

Mr. MITCHELL. I certainly will.

Mr. LOTT. I listened very carefully. As I understand it, the Senator's resolution says that this all would terminate at the end of the year, the end of this Congress. If that is true, how and when would the second set of hearings which the Senator has assured us we would have occur? If this round under his resolution does not begin until July 30, or perhaps earlier but not later than July 30, which I believe is a Friday, that would go, I am sure, until we go out on the August recess. Then when we come back, we only have 1 month before we would go out for the election. When would this next round of hearings occur?

Mr. MITCHELL. As soon as the special counsel's investigation of the remaining phase is completed, we will have the hearings on the remaining phases. And I would point out to my colleague, when he talks about the amount of time, when we debated the resolution on the Iran-Contra matter, the position of the Republican Senators was that that investigation should occur in its entirety in 2 weeks.

They wanted a time limit of 2 weeks on the entire investigation. Now my colleague is saying that 6 months is not long enough for this limited debate. I think that demonstrates what is at issue here.

Mr. LOTT. In other words, we would have to have the second phase in September. Is that correct?

Mr. MITCHELL. If the special counsel's investigation of the remaining phase is completed, I believe we should have the hearings thereafter in a manner consistent with this resolution; that is to say, within 30 days after that investigation is completed.

Mr. LOTT. But all of this would expire at the end of this year under that resolution. Is that correct?

Mr. MITCHELL. Then there will be another resolution whenever he completes his investigation. That is the very purpose. Are we going to act in a way that undermines the special counsel's investigation, or are we going to act in a manner that does not undermine it and is consistent with the Senate resolution previously voted 98–0?

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1776, offered by the majority leader, Mr. MITCHELL. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—56

Akaka	Campbell	Graham
Baucus	Conrad	Harkin
Biden	Daschle	Heflin
Bingaman	DeConcini	Hollings
Boren	Dodd	Inouye
Boxer	Dorgan	Johnston
Bradley	Exon	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Kohl
Byrd	Glenn	Lautenberg
Leahy	Moynihan	Rockefeller
Levin	Murray	Sarbanes
Lieberman	Nunn	Sasser
Mathews	Pell	Shelby
Metzenbaum	Pryor	Simon
Mikulski	Reid	Wellstone
Mitchell	Riegle	Wofford
Moseley-Braun	Robb	

NAYS—43

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grassley	Packwood
Chafee	Gregg	Pressler
Coats	Hatch	Roth
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	
Durenberger	McCain	

NOT VOTING—1

Hatfield

So, the amendment (No. 1776) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I rise in support of the Dole-D'Amato resolution. I view it as a necessary measure to end the delays which have thus far kept the Senate from exercising its constitutional responsibility to investigate the Whitewater affair.

The majority leader has characterized these efforts as "raw partisan politics." But I would argue that those very strong words much better describe the efforts by partisans on the other side of the aisle who have to this date prevented the establishment of any guidelines or timetable for hearings which we approved 98–0 nearly 3 months ago.

Mr. President, I understand that many Democrats say they "want the truth to be told" and agree with the notion that we ought to have hearings. We voted 90–0 in this Chamber to hold hearings. But I am beginning to wonder how seriously that vote was taken by many of my colleagues. It is one thing to say you are in favor of hearings, and quite another to help establish a process to make them a reality.

The appointment of a special counsel to investigate the Whitewater controversy received bipartisan support. We have been careful in crafting this amendment to ensure that there will be proper consultation and coordination with the special counsel. The hearing need not inhibit his investigation nor jeopardize his findings in any way. It will, however, permit Congress to properly do its job and to meet its oversight responsibilities.

What I find truly puzzling is that during those "ugly dark days" of the Reagan-Bush years, Congress held 25 hearings on alleged wrongdoing. Most

of those hearings were conducted with the full support of both Republicans and Democrats. For 6 of those years, indeed, Republicans controlled this Chamber.

Yet the majority leader calls the effort to hold hearings on Whitewater "raw partisan politics." I am under no illusion that politics does not so often play a part in how things are done in this body. However, conducting hearings on Whitewater, like oversight hearings in other areas, is the nature of our job here. Politics need not have reared its head in this debate.

In 1986 and 1987, both Republicans and Democrats called for a select committee to investigate Iran-Contra. Republicans and Democrats at that time were able to put party differences aside and we agreed that it was in the best interest of the American people to conduct hearings. Finding out the truth was the only thing that mattered.

Unfortunately, it seems that many Democrats have decided that protecting a President of the same party has a higher priority. These are many of the very same Democrats who supported numerous congressional hearings between 1981 and 1992. So please spare us all the prattle, babble and patronizing riffle about how Republicans are working with only one motive, that being politics. The sudden change of heart among Democrats is proof enough that the shoe fits the other foot much more comfortably.

Mr. President, Republicans have been asking for hearings since the snow-filled, icy-cold days of January, and we are now well into the hot and humid days of June. Today, we still do not have even the simplest explanations of the Whitewater matter.

In the 1992 elections, the Clinton campaign stoked voter outrage over the status quo. We all remember the dominating themes of "change" and "reform."

Many people thought if Bill Clinton were elected, our tomorrows would be filled with hope and change and reform. If this blatant exercise in foot-dragging is the "reform" that we are likely to continue to see during the rest of the administration, then the American people will once again experience disillusionment over the ever widening gap between rhetoric and reality.

For those who say that "Whitewater is a distraction from the real issues," think again. This may be a very real issue. We need to know more about what laws may have been violated by those in the highest levels of power in our country.

We must do our jobs as Republicans and Democrats in Congress with the same fortitude that we did during the Reagan and Bush years. We must never be selective in our judgment and must always strive to find the truth—no matter who may be resident in the White House. I urge my colleagues to support the Dole-D'Amato amendment.

AMENDMENT NO. 1775, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1775, as amended.

Mr. MITCHELL. Mr. President, I inquire of my colleague from New York whether it would be agreeable to voice vote the next amendment, since it would be a vote on the identical matter on which we just voted.

Mr. D'AMATO. I think we can voice vote it.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to amendment No. 1775, as amended.

The amendment (No. 1775) as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

AMENDMENT NO. 1778

(Purpose: To authorize hearings on the operations, solvency, and regulation of Madison Guaranty Savings & Loan Association, including the alleged use of federally insured funds as campaign contributions)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1778.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1779 TO AMENDMENT NO. 1778

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1779 to amendment 1778.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent I may be allowed to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S WELFARE REFORM PLAN

Mr. DODD. Mr. President, I want to discuss with my colleagues the welfare reform proposal that President Clinton unveiled this afternoon in Kansas City. I think it is a very thoughtful and creative package that will provide us with a critical framework for reform either in this Congress or in the next.

Let me, at the outset, commend the President and his staff for launching us on what I hope will prove to be a constructive and fruitful debate of how to change the present welfare system in this country so that we may put people to work and inject responsibility into the lives of each and every citizen. In fact, for me, the entire debate over welfare reform orbits this one word, "responsibility": the responsibility of teenagers not to bring children into the world if they cannot care for them; the responsibility of parents not to walk away from the children that they create; the responsibility of adults to work and to earn a paycheck; the responsibility of the private sector to try

and create more jobs and job opportunities; certainly, the responsibility of each and every one of us in the public sector to help people on welfare find their way to those jobs.

It is time for all of us to meet these responsibilities. It is time for all of us to save the children who are suffering today because, frankly, we have not.

When I think about the importance of responsibility, I think about the young woman I met in Bridgeport, CT, when I was touring the Private Industry Council job training program there. I spoke with this woman, who was sitting behind a computer terminal, trying to learn this new trade. I asked her why she was there, why she was working so hard to find a job rather than simply staying on welfare.

She paused for a short period of time as I asked the question, and then looked me straight in the eye, and said, "Mr. Politician" —because she had no idea about what position I held. She said, "Mr. Politician, I've got a 4- and a 5-year-old at home and I want them to see their mother going to work in the morning. That is something that I never saw growing up and I want my children to see it in their mother."

This woman understood the word "responsibility," understood the meaning of it, and was determined to become a responsible parent and adult.

She was taking responsibility for her life, and she was taking responsibility for her children's lives.

As we embark on this process of welfare reform, I hope that we will remember that welfare reform should not just be a campaign slogan or the title of an issue brief. Welfare reform should be about people and, in the case of Aid to Families with Dependent Children, AFDC, most of those people are children. In fact, AFDC was created almost six decades ago for the principal purpose of assisting needy children without fathers.

While our society has changed dramatically since that time, the purpose of the program has not. Two-thirds of welfare recipients today are children in this country. If the system fails, Mr. President, it fails their parents, but far more important, it fails someone else: It fails their children.

That is what is happening today in every part of this country. We—all of us—are failing our children. This point has been driven home in recent months with the release of a couple of studies that painted a rather devastating portrait of young America. A report that I requested from the General Accounting Office showed that the number of poor children under the age of 6 in America increased by more than 25 percent during the 1980's. This was during a decade we are told was one of great prosperity and growth.

These numbers are worse in urban areas. Forty-seven percent of young children living in the capital of my home State of Connecticut are poor, making Hartford the American city with the second-highest child poverty rate in the country, after Detroit; 33 percent of the children in New Haven between the ages of 0 and 3 are growing up in poverty. Another study by the Carnegie Foundation found that 1 in 4 children between the ages of 0 and 3 are growing up poor in the United States.

I do not know of anyone who can look at statistics like these and not recognize that something is seriously wrong in our Nation and that our children are being punished for it. It is time, Mr. President, for everyone to stop pointing the finger of blame at someone else for this state of affairs. Liberals should stop blaming everything on society, which they so conveniently point to; conservatives have to stop blaming the mythical individuals called "welfare queens" for everything that is wrong; and people on welfare have to stop blaming others for circumstances that they can personally take the initiative to change and correct.

I want to emphasize, if I can, that the President's announcement today does not represent the end of a process, but only the beginning. This is a highly complex issue, and we do not want to leap before we understand entirely what we are about to do.

With that caveat in mind, I think the President's plan includes a number of valuable provisions: Work requirements, time limits, and better linkages to job training programs are all ideas worthy of serious and careful consideration.

I am especially pleased about the strong child support enforcement component of the President's plan. The poverty rate for single-parent families headed by women is nearly 33 percent in this country. This compares to a poverty rate of under 8 percent for two-parent families. The lack of child support is a major cause of poverty among single-parent families in this Nation and, too often, those families going without support end up on welfare.

The link between the lack of child support and poverty is clear and overwhelming, as the Census Bureau illustrated when it estimated that between 1984 and 1986, approximately half a million children fell into poverty after their fathers left home. The President's proposal contains, I think, some valuable tools to change this situation and to demand that absent fathers step up to the plate and take responsibility for their children. I was pleased that the President incorporated a number of provisions from child support legislation that I introduced earlier this year.

The President's initiative also recognizes that reducing teen pregnancy is integral to cutting into welfare dependency. Between 1960 and 1988, the percentage of births in America to unmarried mothers rose from 5 percent to 26 percent, and the poverty rate for children raised in such settings is terrible. For children of single Hispanic mothers, the rate approaches 75 percent. We must state, Mr. President, in clear, unmistakable terms to teenage boys and girls, that they best not create a life unless they are willing to take responsibility for that life. The President envisions a concerted national campaign to achieve that end, and I applaud him for it.

Finally, the President's plan contains a modest child care component. The lack of quality affordable child care is often the most serious obstacle to young women's efforts to enter the work force and to stay in the work force once they get there. I am pleased that the administration recognizes this fact by including child care in its proposal and by making provisions of the child care and development block grant that I authored in 1990 the standard for Federal child care. But I am concerned about the modest scope of this provision. By including only a very limited expansion of child care for the working poor, the President's plan may very well be pennywise and pound-foolish. We may save money in the shortrun by not providing more generous child care benefits but lose money—serious money—down the road if women who have successfully made the transition from welfare to work go back to welfare after a year due to the lack of affordable quality child care.

I do understand the daunting fiscal pressures the administration faced in drafting this plan, and I want to reiterate that, taken as a whole, I think it is a creative and constructive proposal. In the months ahead, we will be carefully examining each part of this proposal, and I look forward to working with my colleagues on this exciting endeavor.

This country, Mr. President, so great and strong, the most productive economic power in the world, surely has the will and the know-how to end welfare dependency. When we are finished with this process, I hope we will demand more of everyone in this country. I hope we will demand that each and every American accept responsibility for his and her actions. And I hope we will demand that our children not be raised in intolerable conditions.

I know one thing: The American people are demanding that we reform welfare and that we do it right. We have a responsibility as elected representatives to respond to that demand, and I am eager to roll up my sleeves along with my colleagues to get started on this project.

Mr. President, I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

AMENDMENT NO. 1779, AS MODIFIED, TO AMENDMENT NO. 1778

Mr. MITCHELL. Mr. President, is it in order for me to modify my amendment at this time?

The PRESIDING OFFICER. The Senator retains the right to modify his amendment.

Mr. MITCHELL. Mr. President, I notify my colleague that it is merely a typographical change, an insertion of a colon and capitalization of a letter.

I ask that my amendment to be modified to insert a colon after the word "hearings" and then capitalize the following word, "in."

The PRESIDING OFFICER. The Senator has that right. The amendment will be so modified.

The amendment, with its modification, is as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have been advised by the distinguished Senator from New York that he and his colleagues are agreeable to having a vote on this amendment at 4:15 p.m. today.

I, therefore, ask unanimous consent that the vote on my amendment occur at 4:15 p.m. today; that the time between now and then be equally divided, under the control of Senator D'AMATO and myself, and that following the disposition of that amendment, the Senate proceed, without any intervening action or debate, to dispose of the underlying D'Amato amendment, to which my amendment has been offered as a second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, I had not intended to take the floor this afternoon to discuss this matter, but I could not help but respond when my friend and colleague from Maine pointed out during the debate on Iran-Contra that the Republicans wanted the hearings concluded within 2 weeks.

The PRESIDING OFFICER. If the Senator will withhold. The Chair presumes the Senator from Maine is speaking on the time controlled by the Senator from New York.

Mr. D'AMATO. Yes. I yield him such time as my colleague needs.

Mr. COHEN. And the Chair's question did not diminish that time?

The PRESIDING OFFICER. Not at all.

Mr. COHEN. Mr. President, my colleague from Maine suggested that you can tell how political this really is by looking back at the Iran-Contra investigation and seeing that Republicans wanted the hearings concluded in 2 weeks. Let me say for the RECORD that that was never my position.

I did not believe that fair hearings could be concluded in 2 weeks. Indeed, I did not think they could be concluded in several months. But I might point out that the majority of the Democrats wanted no time limitation whatsoever. So if one is going to point political fingers back and forth across the aisle, you could say that the Democrats were interested only in embarrassing President Reagan by keeping the hearings going as long as possible with no limitation on time. As happens in most of these cases, a compromise was struck in which we agreed that we would try to move forward as quickly as possible and conclude the investigation within a period of roughly 9 months.

I do not think it behooves any of us to point at the other side and say, you see, here is another example of how political this is because they wanted a short timeframe, because on the other side the Democrats wanted none whatsoever.

I would also point to the Iran-Contra Committee as an example of perhaps the way this matter should be approached; namely, to set up a small select committee with its members chosen on a selective basis with jurisdiction of their committees involved. That is precisely what was involved in Iran-Contra. We had a situation with overlapping committee jurisdiction. The select committee was put together to resolve that dispute so that we would not undertake a sequence of hearings. I would like to come back to the theme of whether principle or politics is involved. I think it is a measure of both, and I think it applies to both parties. It is important that Republicans talk about the double standard that exists and that has existed for some time. The number of investigations conducted during the entire Reagan-Bush period, some 12 years, has been talked about at some length. I believe that the Democrats would call for an investigation at the drop of a Dow Jones point. Those investigations were conducted, the hearings were held, the witnesses were called, and the public was exposed to the issues involved. It seems that if you have a Republican President in the White House, you attack him, raise allegations, level charges—false charges. It does not matter; whatever it takes, keep on attacking—October Surprise, whatever the charge may be. And then when you have a Democrat in the White House, the policy seems to be stonewall—deny, delay, charge the Republicans with partisanship. This seems to be the tactic that is currently underway.

The reason that the Republicans asked for a special counsel is not because they wanted a special counsel. That is the irony. The Republicans finally asked for a special counsel because the majority would not allow hearings. No matter what the allegations, no matter what they involved, no matter what the committee jurisdiction, the answer was no hearings, period. It was only after there were a series of some rather embarrassing revelations and questions about whether the Justice Department was being used by the White House in a way that was compromising their independence that, finally, after all the revelations, they said OK, you Republicans can finally have a special counsel.

I disagreed with that decision. I did not think there should have been a special counsel appointed in the first instance. I did not believe the allegations rose to that level which required the appointment of a special counsel, or independent counsel.

I might say that I am more of a solitary voice over here because I was the one who urged the Republican minority to continue the Independent Counsel Act over the objection of my colleagues. I recall standing in the well saying that we would come to rue the day that we allowed this act to expire because there is going to be a Democrat in the White House at some point and we may very well be called upon to request the appointment of a special counsel.

Nevertheless, I did not want to see a special counsel appointed under those circumstances. It was an act of desperation on the part of the Republicans. And, again, I think it was a mistake to raise the allegations to the level of a criminal investigation, but the fact is that it was the only option available at that time.

Since the appointment of the special counsel, there have been a number of other allegations. Frankly, I have my doubts about a number of them in terms of their import or consequence. But, nonetheless, I think that both the majority and the minority know that there is no substitute for public hearings. That is the only way the public really comes to understand the nature

of the allegations, can see for themselves the truth or falsity of them, can see for themselves the sincerity or the political motivation of the individuals conducting those hearings. The camera tells the public that very clearly.

Notwithstanding the allegations made here, that somehow we have to correct the mistakes made in Iran-Contra, I do not believe it was a mistake to hold public hearings on Iran-Contra. And do not think it was a mistake to have granted immunity to Colonel North and Admiral Poindexter. At that time it was far more important to get their stories out.

I know the majority leader disagreed. He did not think we should have granted immunity. He felt that Colonel North and Admiral Poindexter wanted to testify, that they would have testified, and that we should not have caved in as easily as we did. That was his view then and I think it was a legitimate view. Nevertheless, I do not believe it was a mistake to get as much of the testimony as we did. And much of the 7 years of investigation by Mr. Walsh did not contradict the work of the committee or added much to it.

My problem with what we are doing today is that we seem to be setting a precedent that from the moment an independent counsel is appointed, Congress is hamstrung and will have to go through this sort of procedure to determine whether we will ever have a congressional hearing. We are putting ourselves in the position of having a hearing only if the special counsel or independent counsel agrees to it. That is a very dangerous precedent for this body.

We should not put ourselves in the position of saying OK, you may have congressional hearings but only if the special counsel extracts a promise from you not to grant immunity under any circumstances. To do so is to give up a very serious responsibility on the part of this institution.

So I have problems not only with the majority leader's proposal but also with that of my colleague from New York.

As I said the other day, we ought to proceed on the basis of comity, of recognizing there are areas that we should not go into. That has been done on many, many occasions with a number of committees, particularly on the Permanent Subcommittee on Investigations, where we have these informal understandings. But to structure the hearings in a way in which we say you can ask here but not here is going to lead to a good deal of contention, confusion, and combativeness. Ultimately it is going to lead to a degradation of the congressional process itself.

I would hope that some middle ground can be found between the majority leader's proposal and the one offered by this side. Some politics are involved, but it is involved on both sides. I think the majority leader has an obligation to defend the President, to defend the administration. That is his job, and he is doing a very good job. But we also have an obligation over here. It is not fair to say, well, you are zigging and you are zagging, you are flipping and you are flopping, because it is pure politics on your side. I have never approached any congressional hearing on the basis of trying to exploit an issue to embarrass the President. I do not want to try to embarrass President Clinton or Mrs. Clinton. I have said time and time again that I am not sure that when the hearings are all over they will prove to have been justified, or whether they will solidify in the minds of the American people whether there was wrongdoing. But it is important that the hearings be held and that they be held as quickly as possible. I do not contemplate this matter going well into the next year.

I certainly do not think that you can conduct a hearing within a couple of weeks. As my colleague from Maine pointed out, some Republicans—not all of them—wanted the Iran-Contra hearings confined to 2 weeks. And the response of the majority was no time limit whatsoever.

Ultimately, we had to compromise on a period of 9 months. That was the way the Iran-Contra Committee was structured. It was a good model then and it is a good model today.

I hope that in order to avoid a series of what appear to be purely partisan votes, with the Democrats controlling the majority, that we might find some changes that could be made to accommodate the interests of the minority.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from New York.

Mr. D'AMATO. Mr. President, I hope we can build on the remarks of my distinguished colleague from Maine as it relates to again coming forth with a structure that will be credible to this institution and to the work we are supposed to do. I think we can do it. I know an effort has been made. We have not been able to come to that agreement, but I do not think we are that far apart. I do not say we have to take my methodology. It seems to me that we are pretty close to it.

Rather than to continue and insist on a way of legislative amendments that will be defeated but will be attempted to make the point, I hope that we can begin that process sooner rather than later.

Mr. President, the fundamental question which was posed in my underlying amendment was whether Congress should find out the cause of Madison Guaranty Savings & Loan—which was a federally insured savings and loan—costing the taxpayers $67 million. Is that a legitimate subject for oversight? I believe it is. I believe the American people deserve to know if taxpayers' funds were used for improper purposes. After all, they were taxpayers' funds. They should find out where the money went. Did it go into Whitewater? Did it go into campaign activities? That is the purpose of the underlying amendment.

The majority leader's amendment would prohibit Congress from examining the causes of Madison's failure until the independent counsel basically said it is OK for Congress to examine the issue. I think Senator COHEN has argued quite eloquently as to the, I think, poor policy that would set—that this Congress delegate its constitutional oversight role to an employee of the Justice Department.

Did Congress give the independent counsel a right to veto congressional oversight activities? Do we want to do that? I think that would be a mistake.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader has 12 minutes remaining.

Mr. MITCHELL. Mr. President, has the Senator from New York used all of his time?

The PRESIDING OFFICER. The Senator from New York has used all of his time plus some.

Mr. MITCHELL. Would the Senator from New York like a couple of additional minutes from my time? I indicated earlier I would give him some of my time. I am prepared to offer him 2 additional minutes.

Mr. D'AMATO. Mr. President, I thank the leader.

Let me state, using that 2 or 3 minutes, that I hope we can set up the process which I think Senator COHEN suggested in his remarks, and by which I have indicated we could move the process forward. I know that we have worked hard at it. The majority leader and the minority leader have worked. And I think it is worthwhile pursuing this with all the vigor possible. We have some bright staff members who know some of the concerns. I think and hope we can do that.

I do not want to see us in a situation where Congress has to ask the permission of the special counsel, or wait for him to say yes, it is OK to start. I think we can do it with comity.

I notice again the majority leader speaks to the issue of whether or not we would grant immunity, and zigging and zagging. We wrote out an amendment looking to the March 17 resolution where it said that no one who is called to testify would be granted immunity under title 18 over the objection of the special counsel.

Our wording was just slightly different, but the same thing. We said to request a grant of immunity under title 18, it would have to be approved by the independent counsel.

So I say that in the way of explanation. I do not think we are trying to

zig and zag on this. I think there are some honest differences of opinion. I do not think they are all so partisan. But I hope that we can get about setting up the structure in a committee that we can all be proud of.

I thank the leader for granting me additional time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, let me deal first with the subject of immunity, as the Senator himself raised.

On March 9, 1994, Special Counsel Robert Fiske met with Senator D'AMATO and Senator COHEN. After the meeting, they came out of that press conference. Here were their statements.

Senator D'AMATO said:

> We have made clear to Mr. Fiske that under no circumstances do we intend to grant immunity.

Senator COHEN said, among other things:

> There will be no immunity granted to witnesses.

Mr. Fiske said:

> I have been assured that immunity will not be granted to any witness in any of these investigations.

Those are the statements on March 9. Now, Senator D'AMATO has spent a lot of time here arguing about why they should have the right to grant immunity under certain circumstances, such as not over the objection of Mr. Fiske. But the statement on March 9 could not be any more clear:

> Under no circumstances do we intend to grant immunity.

My understanding of the English language is "under no circumstances" does not mean "under some circumstances." It means "under no circumstances." That is the point I have made here all along. I do not think there is any consistent principle behind this effort.

Mr. D'AMATO. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. D'AMATO. That statement was made on March 7.

Mr. MITCHELL. I had March 9. But if it is March 7, I stand corrected.

Mr. D'AMATO. On March 17, we voted 98–0, all of us, and the two leaders voted. Section C of the resolution contains the language that no witness who testifies in these hearings "shall be granted immunity over the objection of special counsel."

So it was in that light that I drafted an amendment to encompass the will of the majority, which was voted on 98 to nothing. I think it really meets the intent that we were not going to go out and grant immunity. Whether we said no immunity or whether we said we will not do it without permission of the special counsel seems to me to almost be splitting hairs. But certainly, on the 17th, this body made it clear by saying we will not grant immunity unless or over the objection of special counsel.

Mr. MITCHELL. I understand that. I agree with that. I just say that my good friend and colleague—and he is really my good friend, Senator COHEN, my colleague from Maine—has just said he does not agree.

Mr. President, if I might address the immediate amendment, this is really the same issue that was just voted on in the broader resolution. This is the scope of the investigation. I want to make clear again, so there can be no misunderstanding, the Senate voted 98 to nothing to have hearings "structured and sequenced in such a manner that they would not interfere with the ongoing investigation of the special counsel."

The resolution the Senate has just approved does just that. It is consistent with the special counsel's request, and with the vote of the Senate on March 17.

I have also made clear that we fully, explicitly, and categorically will have hearings on the remaining matters after the special counsel completes his investigation of the remaining matters.

What our colleagues are trying to do is to put the whole thing into this resolution now in a manner that I believe is inconsistent and contradicts the action of the Senate taken in March by a vote of 98–0.

Mr. President, let me describe once again why this issue of immunity is important. Prior to Iran-Contra, the legal issue of the subsequent criminal prosecution of a person who had testified before a congressional committee under a grant of immunity was governed by a case known as the Kastigar case. He was the person involved. And in the Kastigar case, the Supreme Court set out a standard which a prosecutor would have to meet in order to prosecute a person for actions arising out of acts which are also the subject of testimony under a grant of immunity before a congressional hearing. The test was a difficult one, but it could be done. In the Iran-Contra case, former Marine Colonel Oliver North testified before Congress under a grant of immunity. As Senator COHEN rightly said, we had a reasonable difference of opinion. I did not favor the granting of immunity, but it was granted. He testified, and he then was indicted on felony charges, tried, and convicted of three felonies. He then appealed the convictions, and the court of appeals agreed with Colonel North that he could not have been prosecuted because of his prior testimony to Congress under a grant of immunity. And in that case, North versus United States, the court of appeals here set a new and much higher standard to be met by prosecutors in such circumstances, the practical effect of which, according to special counsel in the Iran-Contra case and other commentators, is that both cannot now happen. Effectively, Congress must choose. We must choose whether to have congressional hearings and have witnesses testify under a grant of immunity, or we must choose to let the investigation by a prosecutor occur to see if wrongdoing happened and, if it did, to prosecute and punish it.

So we are now operating under a law that is different from what it has ever been and has been different since 1990 when the court of appeals decided Colonel North's case. The irony of this debate is that our Republican colleagues, who were so insistent on the appointment of a special counsel—a special counsel, who is himself a lifelong Republican and whose appointment was praised by Republican Senators—are now deriding the special counsel and demanding that the Senate act in a way that will in fact undermine the special counsel's investigation, in effect, saying that the Senate should make a choice of having the hearings even if it undermines the subsequent investigation.

Mr. President, what we are trying to do, and what my resolution does, is to say that we can do them both, provided we do them in a reasonable and orderly way that does not grant immunity, and that does not undermine the special counsel's investigation. The fact of the matter is—and I repeat this as a former prosecutor and former Federal judge—if there has been wrongdoing, those who committed the wrongdoing, should be prosecuted and punished. And the way to do that is to let the special counsel do his job. Not a single Member of this Senate has challenged the integrity or ability of the special counsel. He is, I repeat, a lifelong Republican, appointed at the request of Republicans and praised by Republicans.

Now we have the irony of Republican Senators coming in and proposing a process which that special counsel has warned against and which would undermine the very investigation that our colleagues requested. That is why I have said it is political, and that is why I believe it is political. What we should do is vote for the amendment that I have proposed, which is consistent with the previous action of the Senate just a short time ago, and which will permit the Senate to meet its legal and constitutional obligations to conduct a thorough, careful, reasonable investigation in a manner that does not undermine the special counsel's investigation and yet also meets our responsibilities and is consistent both with the resolution approved in the Senate by a vote of 98–0 in March and with the repeated requests of the special counsel that the Senate not take any action to undermine his ongoing investigation.

Mr. President, I see that my time is up.

I yield the floor, and we are prepared to vote.

The PRESIDING OFFICER. The question occurs on amendment No. 1779 offered by the majority leader.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announced that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—43

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	
Faircloth	McCain	

NOT VOTING—1

Coverdell

So the amendment (No. 1779), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1778, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 1778, as amended.

The amendment (No. 1778), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I believe the Senator from New York has an amendment he is going to offer, and I am going to offer a second-degree amendment to that.

AMENDMENT NO. 1780

(Purpose: To authorize hearings on the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings & Loan Association)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1780.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

AMENDMENT NO. 1781 TO AMENDMENT NO. 1780

Mr. MITCHELL. Mr. President, I send an amendment to the desk and asked that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1781 to amendment No. 1780.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, by a coincidence unrelated to this bill, a number of Members of the Senate have an important commitment this evening that I would like to accommodate and, therefore, I am going to momentarily ask unanimous consent that there be a vote on this amendment at 5 p.m. to accommodate our colleagues. That would be the last vote today.

However, I do want to say that I am advised that there will be a number of similar amendments offered to the measure and, in that event, we will be in session very late tomorrow evening and on Thursday evening and all day Friday, if necessary. We have to complete action on this bill because it is very important to every State which has an airport, which I assume to be every State.

In addition, we want to take up and pass this week the first of the appropriations bills that must be enacted, and there are some nominations which have been pending on which we hope to obtain final action.

So, as is our practice to accommodate Senators when they have a commitment of the type that exists this evening, we will do so. But that means that Senators should be prepared for a very lengthy session tomorrow, Thursday, and all day Friday unless we are able to move along more promptly to get action on this and the other measures to which I referred.

Mr. President, is it agreeable to the Senator now, in accordance with our previous discussion, that the vote on this amendment occur at 5 p.m.?

Mr. D'AMATO. Yes.

Mr. MITCHELL. I ask unanimous consent that the vote on my amendment now pending occur at 5 p.m. today; that the time between now and then be equally divided——

The PRESIDING OFFICER. Will the majority leader yield? There will be order in the Chamber. There will be order in the Chamber.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, that the time between now and 5 p.m. be for debate on both the second-degree amendment which I have offered and the first-degree amendment by the Senator from New York, equally divided and under the control of the Senator from New York and myself; that following this vote, the underlying D'Amato amendment be disposed of without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I repeat, the upcoming vote—if I might inquire of the Senator from New York, as we have on the previous two votes, I assume it will be acceptable to the Senator that, in the event my amendment is adopted, we can voice vote the underlying amendment as amended?

Mr. D'AMATO. Absolutely.

Mr. MITCHELL. Therefore, Mr. President, I repeat the upcoming vote

at 5 p.m. will be the last vote today. I thank my colleague for his cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, this amendment, the underlying amendment, which I submitted and which the leader added his amendment to—let me explain to you what my amendment would do. It would expand the scope of the investigation to include—that is hearings—to include the pursuit of the Resolution Trust Corporation as it relates to those civil causes of action against potentially liable parties associated with Madison Guaranty Savings & Loan Association. This amendment would authorize the committee to investigation whether Federal banking laws or regulations were violated in connection with the failure of Madison Guaranty and whether these potential violations have been pursued by the RTC.

Has the RTC been vigorously pursuing potential civil actions to recover funds from wrongdoers who contributed to the failure of Madison? What has caused the RTC's considerable delay in completing its investigation into the failure of Madison? These are critical questions that must be addressed. I think congressional hearings are absolutely essential.

However, the amendment which my distinguished colleague has offered today would, once again, prevent us from undertaking this until the investigation of this area has been completed by Mr. Fiske. The question is, How long do we wait? When will this occur? Will it be completed next week? This next month? Next year? Or longer?

Are we really going to say that Congress has now delegated its oversight and investigatory responsibilities, whether it be of the Madison—and if, by the way, this is a precedent, will this be a precedent for all oversight hearings where special counsel is appointed, that we wait until special counsel has completed a particular phase? Who advises us? Are we going to work in comity, as we have indicated in our resolution of March 17? Or are we going to simply abdicate and say that, no, we will not undertake hearings until the special counsel has signaled the all clear?

I make note that when we talked to the special counsel back in early March, we talked about cooperating. We talked about advising him as to witnesses that would be subpoenaed and agreeing not to subpoena those that he would want to examine first. It was with that kind of approach that we went forward.

I do not believe that, by going into a situation where we say that any additional hearings should be structured and sequenced in such a manner that in the judgment of the two leaders they would not interfere with the ongoing investigation—with all due deference to the two leaders, it would seem to me that the committee, in cooperation, working on behalf of the entire Congress, would be making those determinations. It just seems to me that now we are going to be giving to—and by the way, when I spoke to the special counsel, he indicated to me that he would prefer there be no hearings. But he understood that Congress had its role and its responsibility. I am suggesting now, at this point in time, we are utilizing the fact that there has been special counsel as a shield, as a shield against going forward. I think that is an abdication of our responsibility.

So I hope once again—I have no illusions about the outcome of this vote—but I certainly hope that sooner rather than later we could structure a compromise that would permit the committee to do its work in a manner which would not interfere with the special counsel's work but would give us the ability to start moving and undertaking these hearings and whatever investigations they might lead to.

I yield the floor.

Mr. MITCHELL. Mr. President, about the only thing I agree with in my colleague's remarks is that we know the outcome of the vote. That is because we are voting on the same thing for the third time. We have already voted on this twice before and now we are voting for the third time. Even in the Senate, I think there is a reasonable degree of predictability that is possible, when you vote on the same thing over and over again, you are going to have the same outcome. This is the same issue. We debated it. We voted it earlier. The proposal was rejected.

We then revoted it a second time. The proposal was rejected. We are now going to revote it a third time, and I suppose there is no limit to the number of times we can vote on the same issue. But I believe it is important that Senators and the American people understand what is involved here.

Our Republican colleagues loudly insisted on the appointment of a special counsel to investigate this matter. A special counsel was appointed. He is himself a Republican, a lifelong Republican of great ability and experience and character. His appointment was applauded by Republican Senators.

That special counsel has requested that the Congress not conduct hearings which would interfere with or undermine his investigation. Five minutes after that special counsel was appointed, at the request of the Republican Senators, and himself a Republican, our Republican colleagues began to ask for precisely the type of investigation that would undermine his investigation. So that is where we are.

Alternately, the Senator from New York has said we should not be subject to the special counsel, and then a few minutes later said, but we ought to work in cooperation with the special counsel. Once again, we are seeing inconsistent arguments and zigging and zagging and flipping and flopping by our colleagues because there is not a consistent principle here.

The motivation is to attack the President and Mrs. Clinton. The issue before the Senate on this vote is exactly the issue that was before the Senate on the two previous votes. The resolution which I have offered will enable the Senate to meet its constitutional obligations in a serious and responsible way, consistent with the resolution passed by the Senate in March by a vote of 98 to 0, consistent with the repeated requests of the special counsel, both orally and in writing.

Alternatively—the alternative offered by our colleagues—is for a political circus. It is for an inquiry that would undermine the special counsel's investigation, an inquiry that is inconsistent with the resolutions passed by the Senate by a vote of 98 to 0; an inquiry that would, in effect, create a political circus. That is the issue. It has been the issue all long.

I have said this many times. I want to repeat it so there can be no misunderstanding. We are going to have hearings on all of the matters involved, and we are going to have hearings at a time and under a structure that does not undermine or interfere with the special counsel's investigation. That commitment is firm, and that is what we will do if we proceed in the manner suggested by the amendment which I have offered.

We have a committee of the Senate. It has appropriate jurisdiction. It is where we have always conducted the matters relevant to these amendments. Our colleagues come in with the request for a completely new structure, one that does not exist and ask for legal authority that is without precedent in the more than 200-year history of the Senate. I have asked our colleagues who authored the amendment, who support the amendment; I have asked staff; I have asked everyone: Has there ever been a situation where the powers created under the Republican resolution existed in the past? And the answer is no; no precedent for it. We have never had that situation.

And so, rather than conducting the business of the Senate in an orderly, responsible way in accordance with the jurisdiction of the Senate, with the practices of the Senate, with the procedures of the Senate, our colleagues want some wholly new enterprise with powers that have previously not existed.

Democrats have been in the minority before. Republicans are in the minority now. Never has the minority been granted the powers—ever—that our colleagues seek in their resolution.

So, Mr. President, I urge my colleagues again—this has gotten to be quite repetitious because the subject is repetitious—that we should vote for the amendment which I have offered and reject the amendment of my colleague from New York, because we ought to proceed to do this in a serious and responsible and orderly way that permits the Congress to meet its constitutional obligations and permits the special counsel to conduct his investigation so that, in the end, if there is, in fact, any wrongdoing, those who committed the wrongdoing should be prosecuted and punished.

That is what we ought to be thinking about here, and I believe the best way to do it is to proceed as I have suggested.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. WALLOP. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 35 seconds remaining.

Mr. WALLOP. Mr. President, I ask unanimous consent to direct a question to the majority leader without it being charged.

It is my understanding he wants now to have the vote at 5:15 instead of 5 p.m.

Mr. MITCHELL. Mr. President, I have just been asked by the Finance Committee, which is now in a meeting on health care, if I would postpone the vote to 5:15. I asked them to check with Senator DOLE, and I am just advised he is agreeable to that and I will, therefore, now put a request to have the vote at 5:15, with the additional 15 minutes equally divided.

Mr. WALLOP. I thank the Senator. That is what I was inquiring about, actually.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the vote scheduled under the previous order to occur at 5 p.m. in fact be held at 5:15, with the additional 15 minutes to be equally divided between the Senator from New York and myself, and that all other terms of the unanimous-consent agreement remain in force.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WALLOP. Mr. President, therefore, I ask my colleague to yield me 5 minutes.

Mr. D'AMATO. Yes; certainly.

Mr. WALLOP. Mr. President, I am bewildered by the resistance of the majority party to holding hearings of any substance and meaning. If you look at the majority leader's second-degree amendment, it basically just says that the Congress of the United States is the tool of the special prosecutor. We are to abide by and live by whatever judgments he makes, and we are devoid of the ability and the responsibility of making our own.

I am a little distracted, and I am glad the majority leader is here because last week there was an argument as to what the Senate resolution, which we passed 98 to 0 on March 17, stated. And with respect to the issue of granting immunity, subsection (c) of that resolution stated in its entirety:

> No witness called to testify at these hearings shall be granted immunity under section 6002 and section 6005 of title 18, United States Code, over the objection of Special Counsel Robert B. Fiske.

Then, on Thursday afternoon, the majority leader, on the floor of the Senate, made this statement in its entirety:

> Mr. President, the Senator—
>
> From New York—

has evidently forgotten that on March 17 of this year, the Senate voted 98–0 for a resolution which includes the following statement: "No witness called to testify at these hearings shall be granted immunity."

Mr. President, that statement is simply not the truth. It is simply not complete. By deleting the last portion of the text of the subsection, the majority leader effectively changed its entire meaning. But he proceeded, again, to level the same charge, and I quote again:

> Every single Republican Senator who voted, voted for that resolution. I repeat: The resolution stated as explicitly and as clearly as can be stated in the English language: "No witness called to testify at these hearings shall be granted immunity."

Once again, the majority leader deleted the operative phrase "over the objections of Special Counsel Robert B. Fiske, Jr."

So, in an attempt to correct the impression left by the majority leader, the Senator from New York, a short time later, read into the RECORD the full text of the original subsection. Nevertheless, later that same evening, the majority leader again misrepresented the text of that package. He stated, and I quote again from the RECORD:

> Mr. President, nothing said here today exposes more clearly the motive involved on the other side. In the resolution approved by the Senate in March by a vote of 98–0, it stated, "No witness called to testify at these hearings shall be granted immunity"—no witness shall be granted immunity. And that was put in at the request of Republican colleagues.

Mr. President, that is not the entire text of the subsection. That is a distortion of the resolution, and it is unfair to accuse the Senator from New York and the Republicans of disingenuity on the basis of a change that never took place. It is a misquote.

The majority leader then went on to state the following:

> After they requested that there be no immunity, after they all voted for a resolution which says explicitly, as clearly and plainly as the English language can be used, "No witness called to testify at these hearings shall be granted immunity," now today they tell us, "Oh, well, there really ought to be the power to grant immunity." It is a complete flip-flop. It is a complete zig-zag. It is a complete reversal.

Mr. President, my point is this is simply and specifically not what took place, not what the Senate voted on. It is a misstatement of the fact.

And now here, with this amendment, we are coming along and once again saying that the majority leader would have the Senate abdicate its role, its responsibility, to Mr. Robert B. Fiske. Somehow or another, it is clear that the majority party is engaging in a coverup as complete and specific as possibly can be contrived over the issue of Whitewater, Madison Guaranty, the Lasater affair, and other such matters.

The public is entitled to know. And if, as is always the case stated downtown, there is no reason to suppose that the President and his people have done anything, then, Mr. President, there is no reason for the coverup.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. I thank the Senator for yielding.

Mr. MITCHELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. MURRAY). The Senator controls 9 minutes.

Mr. MITCHELL. I yield 9 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank the Senator from Maine, the majority leader, for yielding. I have not weighed into this debate in the past, not because I did not have strong feelings about it, not because I did not have a provincial interest in defending the President, who happens to be from my home State, not because I do not believe in the President, who has been a close friend of mine for 20 years, but because the arguments have been so insufferably repetitious and so partisan, I just did not see much use in taking up additional time by adding my voice to the endless hours of debate on something which is obviously perceived by my friends and colleagues on the other side as redounding to their political benefit.

As recently as 48 hours ago, the President and First Lady spent 2½ hours with the independent counsel—no special favors requested, none granted; 2½ hours under oath; the special prosecutor being there because virtually every Democrat, I think every Democrat in the Senate, voted for the appointment of the independent counsel.

At that time we were told by our friends on the other side of the aisle that this is what they wanted. They wanted an independent counsel to investigate these matters. They said they wanted an independent counsel to investigate an investment made by two

people who were about 31 and 32 years of age, respectively, a relatively small investment in a real estate venture which failed and which now everybody on that side of the aisle portrays as Armageddon. It is one of the most incredible things I have ever witnessed. When I think of not only what has happened, but what needs to happen in the Senate between now and the end of the year, I think about how many hours we have spent on this absolutely fruitless debate.

The majority leader has made the point over and over and over again we are going to have hearings. And that is all the original request was, to have an independent counsel to investigate it. Democrats agreed. I voted for it. Now Democrats are also agreeing to the Republicans' request for a hearing, but not in a timeframe that would poison the well of the investigation. I do not think anybody wants to bring this to a conclusion and tell the American people precisely all there is to know about it more than the President of the United States.

Mr. President, why do our friends on the other side of the aisle not point out to the American people that the deficit for next year is going to be $171 billion—$80 billion less than it was when Bill Clinton became President. And if we do our work here the way he wants us to do it, the deficit will still be less in 1996. Go to the American people and ask "Which is more important to you, Whitewater or getting the deficit down? What is more important to you, getting the unemployment rate from 7.1 percent to 6 percent and creating more jobs in 1 year than George Bush created in 4 or Whitewater?" Ask the American people if they want this economy to grow while interest rates remain steady and the inflation rate remains under control. Is that what you want or do you want to talk some more about Whitewater? Everybody here, Republican and Democrat alike, knows what the answer to that is.

Madam President, I will just close with this observation. I went to Normandy last week. I did not serve in Normandy. I did not serve in the European theater. I was a Marine. My service was in the Pacific. And yet the war in Europe has always been a matter of acute interest to me. The Civil War has been, too. But the invasion on the Normandy coastline where 18-, 19-, 20-year-old kids—if you were 25, you were one of the old men—jumped out of those troop transports baring their chests to German machine guns, some of them drowning because they had 50- to 90-pound packs on their back and jumped into water over their heads. Normandy and the beaches was such an emotional experience for me. I was almost sorry I went.

At Anzio, the President came up to me and related a story to me. He said, "I was walking through the cemetery a moment ago," where there are 10,000 white crosses and Stars of David. Incidentally, this was before the ceremony started, and we were visiting after the ceremonies. He says, "A man came up to me and said, 'Mr. President, I landed here at Anzio with a man from Arkansas who became my best friend. We fought all the way from the south to the north of Italy together. And his name was Clayton Little.'"

That name does not mean anything to you, but Clayton Little was in the legislature when I was Governor. He was in the legislature when Senator PRYOR was Governor. And he was in the legislature when Bill Clinton was Governor, a wonderful man who died 2 years ago.

And the President said, "I had to tell this man that our mutual friend, Clayton Little, had died." The man went ahead to say, and this has nothing to do with the story, he said, "You see that grave right over there?" The President said, "Yes." He said, "I should be lying in that grave. I was going out on a patrol one night. I was a sergeant. He was just a private. He said, 'Let me go in your place. I'm going stir crazy in this foxhole.' I finally said, 'Go ahead.' And he went, and he got ambushed by the Germans. He was killed."

I heard story after story after story like that. And at Omaha, 10,000 more white crosses and Stars of David. As I walked through that cemetery and looked down at that awesome beach where so many brave men gave their lives, I thought it's good that I am here because it gives me a good insight into how insignificant Whitewater and Paula Jones and all the rest of it is. In the scheme of things, it does not amount to very much. The point is, we have a great Nation, and the people expect us to act like it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has 5 minutes and 20 seconds. The Senator from New York.

Mr. D'AMATO. Madam President, let me say, first of all, that I find the remarks of my friend and colleague from Arkansas to be very moving as it relates to his recounting of the sacrifices and tragedies—and they were individual tragedies—as a nation we feel, and obviously when we go back to the sites of historic battles and occasions of great things performed by young men, heroic deeds and actions, truly in the totality of things one could actually say what really matters, what is important. I understand that.

But I could also raise, by way of example, that if we are going to use that as a standard, then we never would have had an Iran-Contra Committee set up. We would never have had a Watergate committee set up. We would never have had the number of committees that have been set up to review, to look, and to ascertain whether or not there has been an abuse of power. I would say that there are certainly more potentially important things that we could deal with on a day-by-day basis. That is not the question here. There is no doubt that the question as to what may or may not take place in North Korea is a very important one. But that is not a good and sufficient reason for saying we should not then go forth.

Every administration after this one could then use that as the rationale for saying we should not have hearings. Every administration from this point on could say, no, oversight should not be conducted when we have special counsel.

By the way, there is a difference. I would note this. The majority leader has spoken about "subject to." I say we are not "subject to." We should not be subject to the special counsel or his work. We should be mindful of it. We should look to work with him in a cooperative effort as opposed to "subject to." They are distinguishable. And it is just that point that I think we have to arrive at.

Let me say this, with all due regard to the sincerity with which my colleagues on the other side raise the issue of the special counsel, if it is raised in this manner, if we say we cannot set up a methodology by going forward without legislation prohibiting us from going into relevant matters, then the special counsel appointment is just being used as a shield to keep us from doing what we should be doing and in a timely manner.

Mr. WALLOP. Mr. President, will the Senator yield for a question at that moment?

Mr. D'AMATO. Yes.

Mr. WALLOP. It seems to me, as I listened to the Senator from Arkansas and "beating a dead horse" and holding a "fruitless debate," if it is a "dead horse" in a "fruitless debate," it is only because we are not allowed to get into the debate and get into the operation of a truly open set of hearings.

I would say that those who fought so that we could debate, and not be abused for the process of doing it—and if it is insignificant—would my friend not admit that if it is insignificant, as the Senator from Arkansas said, then why not open it up and be done with it? Why not let us go ahead and have the hearings and be done with it? If it is insignificant, it will show. If it is not insignificant, people are entitled to know.

Would that not be a fair assessment?

Mr. D'AMATO. I believe it is. I agree with my colleague. I think he really comes to the gravamen of the issue.

I would conclude by saying, when we talk about working with special counsel, I believe we can and should. But

that, again, is different from being "subject to." That means that Congress must seek permission from the special counsel. And if the special counsel dictates how and when congressional hearings will be conducted, I do not believe we should be making that kind of delegation. It is something that we will regret. It is a precedent that we have never followed, nor should we at this point in time.

I yield the floor.

The PRESIDING OFFICER. All time has expired on the pending amendment.

The question now occurs on amendment No. 1781 offered by the majority leader. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—43

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	
Faircloth	McCain	

NOT VOTING—1

Coverdell

So, the amendment (No. 1781), was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1780, as amended.

The amendment (No. 1780), as amended, was agreed to.

The majority leader.

Mr. MITCHELL. Madam President, as I earlier indicated, there will be no further rollcall votes this evening.

With respect to the schedule tomorrow, I have discussed the matter with the distinguished Senator from New York, and we have agreed on the following procedure:

At 10 a.m. tomorrow, Senator D'AMATO will offer another amendment. I or my designee will then offer a second-degree amendment, following the pattern that has developed today. And then those two amendments will be debated. There will be no vote prior to 11:15 a.m.

The joint leadership has a meeting at the White House at about 10 a.m. tomorrow. To accommodate all those involved in that meeting, there will not be a vote prior to 11:15, and that is why Senator D'AMATO has agreed that the second-degree amendment may be offered by my designee at that time. Indeed, he graciously offered to offer the second-degree amendment himself. But that will not be necessary, as another Senator will be here as my designee managing the bill.

So we will be back on this subject with another amendment by Senator D'AMATO and another second-degree amendment by myself beginning at 10 tomorrow, with no vote prior to 11:15.

I anticipate that there should be a vote at or shortly after 11:15, and then we will proceed with the measure thereafter.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

STATEMENT OF NICKI NICHOLS GAMBLE'S 20TH ANNIVERSARY AT PPLM

Mr. KERRY. Madam President, I want to take this opportunity to pay tribute to one of the most extraordinarily effective women I know, Nicki Nichols Gamble. On June 22, the Planned Parenthood League of Massachusetts will honor her for her 20 years as its president.

She has taken what was, in 1974, a small advocacy and educational organization with a budget of $200,000 and built it into an advocacy, education, social service, and medical services organization with an annual budget of $4,500,000, a staff of 130, and 3 sites. She opened the first comprehensive reproductive health clinic in Worcester, MA in 1982, despite vigorous and abusive antiabortion harassment and litigation; she litigated the State's parental/judicial consent statutes and designed a nationally replicated intervention model in response to the first State statute in this area; and she organized an effective collaboration between Planned Parenthood and the Women's Bar Association.

Nicki's leadership in organizing education, pregnancy prevention, and HIV/AIDS prevention programs has made the Planned Parenthood League of Massachusetts one of the Nation's most influential organizations in the area of reproductive health. For her work, she has been honored with the Roger Baldwin Award from the Civil Liberties Union of Massachusetts, the Debs-Thomas-Bernstein Award from the Democratic Socialists of America, the Abigail Adams Award from the Massachusetts Women's Political Caucus, and the Ruth Green Award by the National Executive Directors' Council of Planned Parenthood.

In addition she has been a good friend and staunch ally for many years. Her 20 years at Planned Parenthood of Massachusetts have been remarkably productive and I wish her well for the next 20.

CHATHAM HIGH SCHOOL STUDENTS

Mr. KERRY. Madam President, I would like to take a moment to recognize the accomplishments of the Chatham High School students who participated in the We the People . . . The Citizen and the Constitution competition.

Although we frequently hear discouraging words about the state of our public education system, these students from Chatham High have given us reason to be hopeful.

Recently these 19 students from Chatham High School in Chatham, Massachusetts distinguished themselves along with students from 47 other classes throughout the Nation in the We the People . . . The Citizen and the Constitution national competition held in Washington, DC from April 30 to May 2, 1994.

Administered by the Center for Civic Education, the program is designed to help students understand the history and principles of the U.S. Constitution and Bill of Rights and to learn to participate competently and responsibly in our political system.

For their accomplishments in this competition and their commitment to excellence in the classroom, I would like to recognize Stephanie Agnew, Christina Cox, Alison D'Elia, Trevor Davis, Brendan Doherty, Noah Farnham, Courtney Harris, Denis Hynds, Kate Murdoch, Baralee Murphy, Sarah Norcross, Richard Parrent, Erica Peltier, Rachel Shields, Joshua Stello, Nick Szado, Richard Torres, Karen Wright, Jennifer Zibrat, and their teacher Tom Flaherty.

TRIBUTE TO PORTLAND GENERAL ELECTRIC CO.

Mr. HATFIELD. Madam President, today I would like to pay tribute to Portland General Electric Co., the largest electric utility provider in my State, and a company which over the past 18 months has undergone a rather remarkable transformation.

For 17 years Portland General Electric Co. operated the Trojan nuclear power plant in Rainier, OR, which, when it began commercial operation in 1976, was the largest nuclear plant in the Nation. Over its operating life, this 1,100 MW reactor provided Oregon with nearly one-quarter of its electric energy needs. But in January 1992, PGE's management and board of directors were facing costly steam generator repairs and made the very difficult and painful decision to cease operation of Trojan nearly 18 years before the end of its operating license.

Shutting down a generating plant the size of Trojan so far ahead of schedule posed some significant challenges for PGE and its employees in Oregon. I am happy to say, however, that under the direction of Ken L. Harrison, chief executive officer, and Richard G. Reiten, president and chief operating officer, PGE has met these challenges head on and has achieved significant success. For example, within 60 days of closing Trojan, PGE was able to secure long-term natural gas contracts to fuel a new 200 MW natural gas-fired cogeneration plant to be built at the Port of Morrow, OR. PGE also secured short-term replacement power from other utilities in the Pacific Northwest and areas as far away as Arizona.

The transformation of which I speak, however, is not just about finding replacement power and bringing new generating resources on line. Rather, it is about the manner in which both the management and the employees at Portland General Electric seem to have embraced a new nonnuclear culture and a new set of values and priorities about their role in Oregon's energy future.

This has happened for a variety of reasons, not the least of which is good management and a sound business plan. Nevertheless, as I will illustrate in a moment, Portland General Electric seems to be succeeding largely because their employees also share a commitment to a collaborative process which includes working with other community leaders, environmental interest groups and state regulators in planning the State's energy future. There are no better examples of this commitment than the many programs PGE has initiated related to energy efficiency and the environment.

After the closure of Trojan in January 1992, PGE was the first utility in the United States to market the Power Smart program, a comprehensive educational and labeling campaign which now covers over 30 product categories at nearly 80 retail outlets in the greater Portland area. Power Smart is designed to create win-win situations for utilities and electric users by teaching consumers that energy efficiency products are convenient to use and contribute to an improved lifestyle and environment.

During 1993, Portland General Electric also continued to provide benefits to its customers and shareholders under a regulatory incentive program with the Oregon Public Utilities Commission. This program allows the utility, after meeting an energy efficiency benchmark, to earn a profit on demonstrated energy savings. With the help of these incentives, PGE has assisted its customers in achieving over 18 average megawatts of permanent savings. This cooperative venture with the state PUC and the new ethic of treating energy efficiency like other generating resources is what I am proud to see happening.

Madam President, this point about treating energy efficiency programs like other supply-side programs is currently under siege in many utility circles across the Nation as energy conservation becomes more costly due to increased competition and cheap supplies of natural gas, even when adjustments are made for environmental impacts. Portland General Electric, however, has been a leader in delivering some of the most cost effective energy conservation programs in the entire Western United States. While many utilities are delivering efficiency programs at $2,000 to $3,000 per megawatt, Portland General Electric's conservation program's average cost over the last 2 years was only $1,000 per average megawatt.

Finally, Madam President, this past year Portland General Electric was only the second utility in the country to issue what is called a "renewables only" request for new resources. This solicitation for 50 average megawatts of power was limited to renewable energy technologies only and has resulted in further discussions with four companies offering a wide range of wind, geothermal, hydro, and biomass technologies. Much work remains to put these resources in place, but cooperation and commitment have accomplished much, already.

Similar examples of PGE's new corporate culture exist on the environmental side as well. Upon closing the Trojan nuclear power plant, Portland General Electric secured its possession only license from the Nuclear Regulatory Commission in less time than any other previous utility. Still today, PGE is under budget and ahead of schedule in removing several large low-level waste components and filing a total decommissioning plan with the NRC by the end of this year.

Madam President, this final environmental example seems to exemplify my point perhaps more poignantly than others regarding the turnaround in this company. Just this past month, Portland General Electric along with Concordia College, a community-based undergraduate college in northeast Portland, announced the creation of an entire 4-year, undergraduate degree program in environmental technology and remediation which will use classrooms and labs located right at the Trojan nuclear power plant. The opportunity to study alongside the decommissioning of a civilian nuclear power reactor has generated enough excitement that program participants also include four other universities, at least four other corporate sponsors, the Oregon Department of Environmental Quality and two environmental activist organizations. When those first graduates receive their diplomas a few short years from now it will truly be a story of turning a perceived liability into an outstanding educational opportunity.

In conclusion, without the commitment and dedication of management and the employees of Portland General Electric, and without the support and involvement of other government and community leaders, this remarkable transformation could not have taken place. I want to congratulate all those individuals who have contributed to these efforts. Best of luck and continued success.

SAINT MARIA GORETTI HIGH SCHOOL "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION COMPETITION"

Ms. MIKULSKI. Madam President, I rise today to recognize the students from Saint Maria Goretti High School in Hagerstown, MD who competed in the "We the People . . . The Citizen and the Constitution" national competition here in our Nation's capital from April 30th through May 2. The students involved in this competition showed a rare dedication to the principles on which our country was founded.

In this competition, these students demonstrated a remarkable grasp of the fundamental ideals and values of American constitutional government. Through their spirit of competition and commitment to learning, they have set an example for us all.

Mr. President, I salute the participating students from the Saint Maria Goretti High School, and all those who took part in this competition, for their hard work and commitment. The character, perseverance, and leadership that enabled them to reach this goal are an inspiration for everyone striving for success in their own lives.

TRIBUTE TO STAFF SGT. DAVID M. ABRAMS

Mr. STEVENS. Madam President, I want to call to the Senate's attention the achievements of Staff Sgt. David M. Abrams, a member of the 6th Infantry Division (Light) stationed at Fort Wainwright, near Fairbanks, in my home State, Alaska.

On Flag Day, June 14, 1994, Sergeant Abrams received the Thomas Jefferson

award for excellence in military journalism at a ceremony at the Pentagon.

This is not the first time that Sergeant Abrams has been honored for his journalistic talent.

Not too long ago, when I was present at a military appreciation dinner in Fairbanks, it was announced that Sergeant Abrams was selected as the Paul D. Savanuck Military Print Journalist of the Year for 1993.

In addition, he was named the 1992 and 1993 Military Journalist of the Year for the U.S. Army Pacific Command.

On top of these honors, Sergeant Abrams received several Fourth Estate Awards from Headquarters, Forces Command in conjunction with the Keith L. Ware Army journalism competition. His entries in the competition included first place in the news articles category, second place in features, and third place in special achievement in print media.

Above and beyond his numerous journalism awards, Sergeant Abrams has also earned and been decorated with the Meritorious Service Medal, Army Commendation Medal, second oak leaf cluster, and the Army Achievement Medal (second oak leaf cluster), and the Army Conduct Medal.

It is with admiration that I pay tribute to Staff Sergeant Abrams, a remarkable member of our outstanding military forces.

TRIBUTE TO JOANN J. MILLER

Mr. STEVENS. Madam President, today, I want to recognize Ms. JoAnn J. Miller, of Fairbanks, the Golden Heart city of my home State, Alaska, for her volunteer efforts.

Ms. Miller was recently recognized for community service with the First Lady's Volunteer Award, presented by the First Lady of Alaska, Mrs. Ermalee Hickel, wife of Governor Walter J. Hickel.

Ms. Miller has just completed an 8-year term as volunteer president of the Farthest North Girl Scout Council, where she has a total of 16 years of service.

Her leadership has made a significant difference to the Girl Scouts in my State. A decade of hard work, planning and coordination have resulted in a permanent Girl Scout Center in Fairbanks. She has become known as the institutional memory of the organization as the board of directors' composition changed over the years.

Girl Scouts have honored her with their "Thanks Badge II," a tribute to those who have received the Thanks Badge and continue to give outstanding service that is so significantly above the call of duty that no other award would be appropriate.

I feel that JoAnn Miller's outstanding efforts have greatly enriched the lives of others, and have made our great State of Alaska a better place in which to live, setting an example of community service for each of us.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are just too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Monday, June 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,604,542,562,566.93. This debt, mind you, was run up by the Congress of the United States, because the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the nonsense from politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. The are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crises was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,604 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at four trillion, 604 billion, 542 million, 562 thousand, 566 dollars and 93 cents.

THE INDIAN STUDIES CHAIR: AN ACADEMIC VENTURE

Mr. PRESSLER. Madam President, I commend the establishment of an India Chair at Columbia University. In the endeavor to create the Indian Studies Chair at Columbia's Southern Asian Institute, supporters for this project have raised over $360,000. However, an estimated $1.5 million is needed to endow the chair

I applaud the efforts of those who are working hard to establish this Indian Studies program. Specifically, I commend Dr. Rajendra Bansal and Dr. Thomas Abraham, co-chairpersons of the endowment campaign for Chair in Indian Studies, as well as Dr. Manjula Bansal, secretary of the campaign. They have labored many hours to transform a dream into reality.

The India Chair at Columbia University will offer students the opportunity to learn from and to study with great scholars of Indian culture, history, and contemporary issues. This will allow students to better understand and work with our Indian allies. I urge my colleagues to show support for this important academic endeavor.

Madam President, I ask unanimous consent to place several related newspaper articles from India Abroad in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From India Abroad, Dec. 10, 1993]

MRS. ONASSIS SUPPORTS INDIA CHAIR

(By Shailaja Neelakantan)

The campaign for endowing a chair for Indian Studies at Columbia University got a boost with the presence of Jacqueline Kennedy Onassis at the launching of Naveen Patnaik's book, "The Garden of Life."

The Dec. 2 reception was held at the Indian Consulate under the auspices of Doubleday, publisher of the book, and the Consulate General of India. With a virtual Who's Who of New York present, the event was a stimulus for an India chair at Columbia's South Asia Institute. Mrs. Onassis was present in her capacity as senior editor at Doubleday.

About $1,000 from sales of the book during the reception was donated to the campaign for an India chair, according to Pallavi Shah, who runs Our Personal Guest, a public relations firm. She said $10 from every sale of the book (it costs $35) would continue to go towards the endowment for the chair. Air-India provided additional support for the reception.

Endowed chairs are a prominent feature of America's private universities. Interest from an endowment enables support for salary and benefits of a senior member of the faculty. This chair will promote a better appreciation of India."

She said Columbia University was a virtually automatic choice because it is the most urban and international of America's Ivy League universities. "Dr. B.R. Ambedkar earned his doctorate there before going on to head the committee that wrote the Indian Constitution," she said.

The government of Pakistan has already endowed a Quaid-e-Azam Distinguished Professorship at Columbia. Several other communities in the United States, including the Japanese, German and Armenian, have also endowed chairs of Columbia.

The reception for Patnaik's book, which deals with the healing plants of India, was attended by supporters of an Indian chair and New York literary and social figures. Patnaik is a founding member of INTACH—the Indian National Trust for Art and Cultural Heritage.

The guests included Stephen Rubin, president and publisher of Doubleday; Bianca Jagger, Sonny and Gita Mehta, Carly Simon, Mr. and Mrs. Sam Peabody, Kenneth Lane, Diandra Douglas, Caroline Herrara,

Francesco Clemente, Fernando Sanchez, Aroon Shivdasani, Anjali Mathrani, Mr. and Mrs. Feroze Talyarkhan, Mr. and Mrs. Purnendu Chatterjee, Zach Zacharias and Thomas Abraham, among others.

Mrs. Onassis did not address the gathering, but Doubleday's publisher, Stephen Rubin, in a short speech voiced support for the endowment of an India chair at Columbia.

He said the Indian American community had made valuable contributions to America and that a chair at a premier institution like Columbia would go a long way in fostering a better understanding of the country.

As Dr. Manjula Bansal, secretary of the managing committee for the India chair, said: "The best way to make sure India does not remain peripheral is to endow chairs and programs representing India at America's great universities."

An endowment of $1.5 million would be required for an India chair, of which the account currently has $200,000. Pledges of $150,000 more have been made, according to Dr. Rajendra Bansal, co-head of the managing committee for the India Chair.

Our Personal Guest arranged the food for the evening—a combination of champagne and Indian hors d'ouvres. Dhoklas, pieces of roti with baingan ka bharta and several other dishes, made with herbs mentioned in Patnaik's book, were served. Completing the picture, Indian women wearing traditional ghaghra-cholis served paan, another culinary plant described by Patnaik.

A report in the April issue of Publisher's Weekly described Patnaik's latest book as well his previous one—the lavishly illustrated "A Second Paradise: Indian Courtly Life 1590–1947—as particular favorites of Mrs. Onassis.

[From India Abroad, Feb. 4, 1994]

BOOST FOR INDIA CHAIR AT COLUMBIA

NEW YORK.—The American Express Foundation recently presented a check for $50,000 toward the endowment of an India Chair at Columbia University. At a function held in the Indian Consulate here, Sreedhar Menon, deputy president, American Express Bank Ldt., handed over the check to Prof. Jack Hawley, director of the Southern Asian Institute at Columbia.

Hawley said at the presentation, "We are deeply grateful to American Express for this tangible expression of support for the study of India in the U.S." He praised Menon for his efforts saying, "Mr. Menon is a persuasive spokesperson for this effort in corporate circles and I want also to acknowledge his role in securing the gift."

The amount needed to endow an India Chair at Columbia is $1.5 million. Menon commented: "The cause is especially worthy, in my view, since it stands to benefit the Indian American community for years to come."

[From India Abroad, Apr. 15, 1994]

$360,000 FROM DONATIONS AND PREMIERE

(By Nirmal Mitra)

NEW YORK.—About $360,000 was raised last week in the first major fund-raiser for the India chair at Columbia University, with $250,000 coming from the premiere of Ismail Merchant's film "In Custody," corporate sponsors and individual donors.

A sum of $100,000 was also pledged by Kurian and Mary Chacko, owners of Balogh Jewelers, Madison Ave., Manhattan, and another $10,000 by another individual.

The film, Merchant's directorial debut, was screened at the Paris Theater April 7. Some 586 people turned up for the premiere, including former U.S. ambassador to India, Senator Daniel Patrick Moynihan, his wife and daughter, and about 600 for the reception at the Rose Room of the Trump Plaza Hotel that preceded the screening.

Speaking at the reception, Senator Moynihan lauded the campaign for the India chair and praised the farsightedness of the Indian-American community in establishing themselves in their adopted homeland. He saluted Ismail Merchant for pledging the proceeds of the premiere of the film to the chair. He had never seen so many people gathered in the Plaza Hotel, he said. Moynihan reaffirmed his love for India and recalled the association of his family with India.

The Columbia president Mr. George Rubb spoke very highly of the Indian community and was very grateful that they had selected Columbia for the establishment of the chair, further enriching its academic traditions.

"It was very satisfying to see that the gala benefit premiere had cut across all sections of the Indian community," said Dr. Manjula Bansal, secretary of the India Chair Campaign Committee.

* * * * *

He recalled his past when he came to America from India. "I came to New York first and took a job in the consulate as a messenger, shuttling between it and the United Nations," he said. "I have very fond memories."

On meeting the fund target for the chair, he said: "It is time to demand things from big businessmen and big houses. We cannot just say we need it, to make the film. And I'm very happy for that."

Shashi Kapoor played the lead role in the film, which is about an Urdu poet whose works are discovered by a journalist.

"When I read Anitaji's book quite a few years ago, I liked it but did not think it could be made into a film. And when Ismail said he was going to make it, I said he couldn't.

"But he persisted. He is a very persuasive man. Once he decides to do something, he does it.

* * * * *

"Out of this interaction, there will be a greater and closer understanding, and I think this chair is an attempt in that direction."

Dr. Manjula Bansal, said, "It was our great fortune that Ismail Merchant deemed fit to associate with this cause. Last year, when he completed the film, in which he made his directorial debut, he offered it to us. Mr. Merchant is part of the advisory committee of the chair."

* * * * *

MANY INDIAN STUDENTS

"These days, our student life is full of Indian Americans. The Spectator, our newspaper, features a number of Indian-American students, as do a number of other student organizations.

"Just this last year, we saw the founding of the South Asian Business Association, which has sponsored a trip to India for their members and members of other university business communities. Also set up recently was SALSA, the South Asian Law Students Association.

"With all this interest in India, we were hoping to be able to cap it with an Indian chair. Universities, particularly private universities, run in strange ways. They depend upon support by contact with other people of the community.

"The way that support is most succinctly expressed is in the form of a chair. It is an endowment, in this case one whose target is $1.5 million, with which we will be able to support the salary of a professor. It will mean that Indian studies can be taught at Columbia in perpetuity.

"We thought of two possible areas for this chair—Indian civilization on the humanities side, or Indian political economy on the social studies side. We have a large faculty of some 50 scholars interested in and active in South Asian affairs. But of those, there is none who occupies a chair specifically for the study of India. Yet the Japanese, the Armenians, Jews and others have endowed chairs at Columbia and other great institutions of this country.

Holly said that Columbia's national resource center for South Asian studies was among eight centers selected by the federal government to serve a national

* * * * *

Asked if he planned any more fundraisers to meet the target of $1.5 million by the end of 1994, Dr. Rajendra Bansal, co-chairperson of the Indian Chair Campaign Committee, said: "We have no immediate plans. But the premiere has created a lot of awareness in both the American and Indian communities. And now we expect to collect a lot in donations from individuals and corporate concerns. That is what we are going to do. And it seems to be doing very well."

He went on: "Moynihan put it very well when he said this was the best way of bridging the gap between the two countries is through such efforts in the field of education, which would insure a better understanding of India."

Dr. Bansal added: "One thing is for sure, there is no dearth of money in the Indian community. And it is only a matter of convincing them and making them aware of the need for an India Chair. And that is what the premiere has done. And I think now it will be an easier task for us to go an appeal to them. And we hope to collect the funds by the end of the year."

He said that efforts were on to hold more events. "Deepak Chopra, the prominent physician, has already said that he is willing to give a talk show for the benefit of the chair some time in October-November. Murari Bapu, known for his katha-recitals, is coming in July-August, and has said he is willing to do a one-day program for the benefit of the chair. Also, Dada Vaswani, has made an appeal, as a result of which the Vaswani section of the Sindhi community has promised a donation."

Earlier last week, at a press conference held by the cast of "In Custody" at the Indian Consulate Merchant said it was time to exhort businessmen and big business houses to contribute to the cause of an India chair at Columbia University.

* * * * *

Desai, talking about the film, said: "The book was written so long ago that I thought it was quite forgotten. It had faded, really, till Ismail took it up and decided to film it.

"It took us many years to get it started. I often thought it wouldn't happen at all. It didn't seem likely because Merchant Ivory got busier and busier and more and more famous."

"I was very surprised when it did happen. And it was purely by coincidence, really, that it turned out to be the perfect time to make the film. When I wrote it, nobody thought of the Urdu language or Islamic culture being in any way threatened in India. It

wasn't seen as having any political importance at all.

* * * * *

Kapoor went on: "Quite rightly, the film has been associated with a marvelous cause like this. I am glad that Ismail, on behalf of all of us, has promised to achieve this target by the end of the year. And I hope this will not be the end of it."

AZMI RAISES QUESTION

Shabana Azmi, the actress, said the question "is not why there should be an India chair, but why so late."

"India is a unique country, but unfortunately suffers from a perception in the West of being a magical, mystical country, despite famine and drought," she noted. "There is a mythology here about what India is all about. I think this needs to be shed."

* * * * *

"The existence of an India chair at Columbia would make sure that over the course of time, not just next year or the year after that, but in perpetuity, someone in Columbia would be able to field questions like that," he said. "We hope that the chair will be worthy of the support we have received from the Indian-American community as a whole."

TRIBUTE TO CAPT. ROBERT D. MULLINS, U.S. NAVY

Mr. INOUYE. Madam President, I rise today on behalf of the people of the State of Hawaii, to express our gratitude to Capt. Robert D. Mullins, who is retiring from active duty in the U.S. Navy after 26 years of distinguished service.

Capt. Robert Mullins started his naval career as a flight instructor at NAS Corpus Christi, TX, after graduating from the U.S. Naval Academy at Annapolis in 1969, and receiving his wings in 1971. His first operational assignment was with Air Anti-Submarine Squadron 29 at NAS North Island, CA. While there, he participated in the first operational deployment of the S–3A Viking to the Western Pacific aboard the U.S.S. *Enterprise*.

He graduated from the U.S. Naval Test Pilot School in 1977, and served as engineering test pilot at the Naval Air Test Center until 1980. Captain Mullins was one of the first test pilots to perform out-of-control and spin flight testing on the T–34C training aircraft. During this time he also earned a MS degree in systems management from the University of Southern California.

His next assignment took him to NAS Cecil Field, FL, where Capt. Mullins served as safety officer, and subsequently operations officer, during deployments to the Indian Ocean and Eastern Mediterranean aboard the U.S.S. *Independence*. He was named VS Wing One's "Tailhooker of the Year" in 1981 and "Top Hook" in Carrier Air Wing 6 in 1982.

Upon returning to Maryland in January of 1983 as chief flight instructor at the U.S. Naval Test Pilot School, Capt. Mullins rewrote the test flight syllabus and managed the training curriculum. He assumed command of the "Attack Frogs" in 1987. During his command tour, his squadron received the CNATRA Golden Anchor Award for retention and the Towers Award for aviation safety excellence.

In 1989, Captain Mullins was selected to attend the Defense Systems Management College at Fort Belvoir, VA. After completing the program managers course, he reported to Washington, DC, where he served as assistant program manager for systems and engineering at Naval Air Systems Command. It was here that he received his first Meritorious Service Medal for his management of system upgrades to the S–3B airplane, and the engineering development of a new aircraft, the ES–3A Shadow.

In 1991, Capt. Mullins assumed command of the Pacific Missile Range Facility [PMRF] at Barking Sands on the Island of Kauai. Under his command, PMRF was the first recipient of the Commander, Naval Base Pearl Harbor "Good Neighbor Award" and was singled out from among 50 Hawaii commands as winner of the Personal Excellence Partnership of the Year Award in 1993.

Hurricane Iniki devastated the Island of Kauai in 1992. The personnel at PMRF were among the first to offer their expert services and perform relief tasks for the people of Kauai. For their dedication to the Kauai community, PMRF personnel received the "Humanitarian Service Medal" for post hurricane work on Kauai.

Under the leadership of Capt. Mullins, PMRF was awarded two Golden Anchor Awards for retention. Capt. Mullins earned his second Meritorious Service Medal, and was named as the Honolulu Council, Navy League of the United States, "Military Man of the Year" in 1993.

Capt. Robert Mullins has shown a tremendous dedication to his country, to the Navy and to the people of Hawaii. As he leaves his command at PMRF, he will be sorely missed. However, Capt. Mullins will remain a familiar face to all Kauai residents, as he and his wife Madeline will be retiring to Kalaheo, Kauai.

We, the people of Hawaii, would like to express our deep gratitude to Capt. Robert Mullins for his leadership of PMRF, his dedicated service to our country, and his involvement in the Kauai community. We wish him and his family the very best for the future, and welcome them to the civilian Kauai community with open arms.

THE CRITICAL SYRIAN DRUG PROBLEM

Mr. DECONCINI. Madam President, there is an issue of great importance which I feel needs to be addressed immediately.

The drug production and trafficking in Syria is critical. Ninety percent of all arable land in Syria's Bekaa Valley is being used to cultivate narcotics and Nigeria is being used as the main transfer point for narcotics from this area.

The Bekaa Valley has become one of the most concentrated areas of marijuana and opium production in the world and the drug trafficking throughout Syria is escalating at an alarming rate.

Madam President, we have failed to address the serious implications of corruption in the Syrian Government. The only way that narcotics can exit Syria is with the cooperation of the Syrian Government. Thousands of tons of narcotics are passing under the noses of government officials, and not a peep of protest is being made by administration officials. How can we work so hard to prevent drug trafficking in neighboring countries, and yet close our eyes to it in Syria? I am outraged that other United States foreign policy considerations appear to take precedence over holding Syria accountable for its illicit drug trade. Soon, Mr. President, we will have to face the perilous drug problem in Syria, and by then it may be too late.

We need to strike at the heart of the problem and immediately confront President Assad and pressure him to take action against the traffickers operating throughout the country. We need to take action to prevent this situation from mushrooming into something much worse.

Policemen in the Bekaa Valley make $500 a year. After receiving bribes from drug kingpins, however, for the transfer of drugs through the country, income for these policemen rises to $50,000 per year. This sort of blatant corruption cannot be allowed in this day and age, Mr. President, and it is our duty to confront the administration of Syria with these grievances.

One continuing point of tension between the United States and Syria has been United States refusal to remove Syria from our list of terrorist countries, due to their long-standing history of harboring terrorist groups from the Middle East and beyond. While the CIA states that there is no evidence of Syrian terrorist attacks since 1986, I, for one, hope that we will not even consider removing Syria from that list until Syria renounces all terrorist activities, improves its human rights record, and cleans up its drug problems.

Initiating antidrug programs in Syria must rank near the top of United States foreign policy agenda. The time to act is now, before the situation becomes unmanageable. We cannot stand by and let this situation continue. Affirmative action must be taken.

IN MEMORY OF RABBI MENACHEM MENDEL SCHNEERSON

Mr. DURENBERGER. Madam President, I rise to express my deep sadness upon the death of Rabbi Menachem Mendel Schneerson, the seventh rebbe of the Lubavitch Hasidic movement.

The rebbe's death on Sunday at the age of 92 comes 4 months after he suffered a massive stroke. Rabbi Schneerson led the Lubavitch movement, one of the world's largest orthodox Jewish communities, for more than 40 years.

There are a significant number of Lubavitchers in the Saint Paul area. Throughout my years in the Senate, I have benefited greatly from their perspectives concerning the U.S. policy in the Middle East, as well as other issues of concern.

A refugee first from Stalinist Russia and then from Nazi Germany, Rabbi Schneerson studied philosophy and engineering in Berlin and Paris.

He became leader of the Lubavitch Hasidim in 1951, settling with members of the movement in Crown Heights. Unlike other Orthodox Jewish movements which operated in nearly complete seclusion, the Lubavitchers under Rabbi Schneerson's leadership sought to reach out to secular Jews. Over the 43 years of his tenure, the headquarters of the Lubavitch movement in New York City has become a center of over 2,000 educational, social, and rehabilitative institutions.

For the past 16 years, we in the Congress have designated his birthday as "Education and Sharing Day, U.S.A." in recognition of his extraordinary efforts in pursuit of the ideals of scholarship, teaching, ethics, and charity.

As members of the Lubavitch movement seek out the leadership necessary for their future, I encourage all of those who followed the rebbe's teachings to continue the important work he began.

He was a powerful force for good in American society—and I join people of all faiths in Minnesota in extending our warmest condolences to all who learned from his example of piety and hope.

Thank you, Madam President. I yield the floor.

WESTERN ASSISTANCE TO FORMER SOVIET EMPIRE

Mr. DECONCINI. Madam President, lately, we have seen, both within and outside the Senate, growing attention to the issue of United States assistance to the New Independent States and Central/Eastern Europe. This Senator, along with many of my colleagues, has expressed concern over the direction and scope of this assistance and urged a more thoughtful approach in understanding the admittedly complex dynamics of the post-Communist transition. Our assistance programs should be focusing more on hands-on programs to train managers and public officials capable of replacing Communist institutions and attitudes with democratically-oriented reforms. This is especially important given the still prominent role of ex-Communists in the vast majority of the NIS and Central and East European countries.

A recent article on the subject addresses many of the concerns that have been expressed on this important subject. I urge my colleagues to read Adrian Karatnycky's "How the East Was Lost—Western Donors Ignore Faith in Favor of Finance" which appeared in the June 12 Washington Post, and ask that it be submitted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 1994]

HOW THE EAST WAS LOST—WESTERN DONORS IGNORE FAITH IN FAVOR OF FINANCE

(By Adrian Karatnycky)

Today, out of 22 states in central and eastern Europe and the former Soviet Union, there are only five—Albania, Armenia, the Czech Republic, Estonia and Latvia—in which former Communists do not hold power or significantly share in governance. Yet the startling political comeback of ex- and neo-Communists excites little concern in the United States and western Europe. Many of the new ex-Communists are viewed as pragmatic, go-slow reformers committed to playing by the rules of the market and of democracy—a characterization that is more apt in some cases than in others.

Democratic activists in the region do not share the West's lack of concern. Those in Ukraine, for example, report a palpable shift in the attitudes of the media and among academics since the takeover by Socialists and neo-Communists of the country's newly elected parliament. "We are beginning to see a hardening of positions among many Communists who were lying low over the last two years," observes Ilko Kueheriv, director of the Democratic Initiatives polling center. "Now they feel much more self-assured; they are on the offensive."

And that is legitimate cause for alarm, since there is no denying that many self-styled reformers were cogs in a system which for decades proscribed human rights, suppressed religious liberties and crushed opposition. Even more worrying is the fact that many of the millions who voted for them did so out of a nostalgic hope for a return of social and economic security, even if that meant a return to authoritarian order.

To be sure, the difficult transition from statist economies to a market system could have been expected to push millions of disgruntled industrial workers and pensioners to the left. What surprises is that they turned to the old ex-Communist left and not to the new social-democratic parties. How did this come about?

First, the West vastly underestimated the psychological damage inflicted by decades of statism. Communist rule destroys the ideas of voluntarism, self-help and cooperation and with them any sense of authentic community. It is also now clear that the old Communist *nomenklatura* never really relinquished influence over politics and economics, especially in the former Soviet Union. And in central Europe, where privatization has made remarkable progress, much of the power of the ex-Communists was retained through a tightly controlled process of privatization that, accompanied by rampant corruption, seemed to discredit capitalism and economic reform.

The West further underestimated the solidarity of ex-Communists who had worked in the upper and middle reaches of the Communist Party, women's, youth and trade union organizations. Those potent networks remained intact despite confiscation of much party property.

Central Europe's economic difficulties were also greatly aggravated by the selfishness of the European Community, which denied Eastern bloc nations what they really wanted: market access. The EC covered its protectionism with bogus explanations: One sick sheep from Poland was cited as justification for prohibitive quotas on all sheep from anywhere. Not surprisingly, Poland and her neighbors responded with duties of their own, hurting the economics of both areas—but plunging central Europe into political turmoil as well.

Above all, the ex-Communists clawed their way back to power because anticommunists lost their moral voice. Organizations like the National Endowment for Democracy were pushed aside as the big boys from the international financial institutions—the European Bank for Reconstruction and Development, the International Monetary Fund, the World Bank—managed the transition to a convertible currency, and in the process helped make finance ministers the focus of media attention.

When the genuine leaders of democratic movements steeped in the values of human rights and moral courage were replaced on the airwaves by cold-blooded economic surgeons, the public was encouraged to think about reform exclusively in material terms. Detached, pragmatic Eurocrats and Beltway Bandits recoiled at such unifying forces as nationalism and religious revival, which are central to the fragile rebirth of civil society. Instead, nationalism was equated with xenophobia and ethnic hatred—a dangerous threat to stability which, as the former Yugoslavia shows, is often cynically mobilized by ex-Communists.

Richard Rose, of the University of Strathclyde in Glasgow, has been tracking public attitudes toward the transition in most post-Soviet bloc countries. He has found that citizens appreciate the improvements in political rights and civil liberties, the fact that they can now worship in the church and vote for the party of their choice, speak their minds freely and choose television shows and newspapers that are more truthful and open. Yet the democratic revolutionaries who led the movement to secure these new rights failed to remind the public of these tangible gains. Had they done so, they might have withstood the populist and materialist onslaught of the ex-Communists and brought more time for the economic transition.

Can this trend be reversed? Clearly the pendulum will again swing. The ex-Communists who have staged their remarkable comeback are aware that if they return to their old ways they can again be swept out of power. There are economic constraints, as well—among them, the emergence of a true middle class and increased trade links with the industrial democracies.

Yet the worrying signals from the post-Communist world suggest that Western aid programs should be redirected away from their nearly exclusive focus on market mechanisms and local administration. Aid

programs should aim at the strengthening of independent media, democratic education of the young and the dissemination of books and journals that promote respect for political freedoms. Help should also be targeted to independent trade unions that give voice to the interests of ordinary working people and so stern the rise of pro-Communist and pro-fascist sentiments among those who have borne the brunt of the harsh economic transitions.

Just three years ago, AFL–CIO President Lane Kirkland met with Sandor Nagy, the leader of what had been Hungary's state-controlled Communist trade union. Nagy told him: "There are three major currents in Hungary today—the Christian Democrats, the liberals and the Social Democrats." Kirkland, who has spent a lifetime fighting totalitarianism, looked him in the eye and asked: "What happened to all the Communists?" Nagy, Kirkland recalled, turned a deep red. Now, he and his cronies are back near the levers of power.

As a lifelong anti-Communist surveying the dismal political landscape of the former Soviet bloc, I am depressed by what I see. But in the post-Cold War world, everyone must make accommodations. And so, I too have abandoned my old faith. Now I am an anti-post-Communist.

U.S. SENATE PRODUCTIVITY AWARDS RECOGNIZED

Mr. REID. Madam President, from long before that April morn in 1777 when the minutemen unfurled their flag at Concord and Lexington, this Nation has based its growth and survival on the willingness of her people to rise en masse whenever danger threatens. That the first pilgrims survived at all was due to their willingness to share; that spirit was epitomized in the first Thanksgiving.

Now, Madam President, as then, we have so much for which to be grateful. Not the least of those blessings is the continued willingness of Americans to recognize problems, roll up their sleeves, and strive for a solution.

In 1982, this body passed Senate Resolution 503 to establish the U.S. Senate Productivity Award. Its adoption was prompted by the drastic fall in U.S. economic productivity from its traditional high rate, and the fact that competing nations had higher economic productivity rates. Since then, several States have adopted this or similar programs—all toward the same end; they recognize organizations with outstanding quality and productivity initiatives as examples for improving our economic productivity and our position in global competition.

Nevada's U.S. Senate Productivity Award Program began in 1988. Our awards recognize Nevada organizations whose management and operations have progressed to a leading level of quality and productivity. Such award programs take a tremendous amount of volunteer effort and donated funding to be run with integrity and to provide useful, critical feedback to the awards applicants.

All of the States which administer such programs deserve our thanks for their hard work and leadership. Their efforts do indeed contribute to the continued competitiveness of the U.S. economy and to the renewed sense of pride our people have in their roles as working contributors to our society.

Senator BRYAN and I are particularly proud of Nevada's quality recognition program because our program is administered by volunteers. Today we want to recognize and thank two gentlemen who have provided outstanding leadership and undaunting commitment to Nevada's U.S. Senate Productivity Awards. During the last 2 years, Mr. Ted Atencio, vice president of Citibank (Nevada), and J. Robert Grant of E.G. & G. Energy Measurements, Inc., have not only managed the administration of this program, but have led major strides toward improvement and visibility of Nevada's program within the State.

As just one example, under their guidance, the criteria used to evaluate organizations were upgraded and expanded. In 1993, the awards program incorporated the seven criteria used by the National Quality Awards Program, the Malcolm Baldrige award.

Ted Atencio and Bob Grant have given freely of their time, often over 20 hours a week, to lead the volunteers and create a solid foundation for Nevada's continuing quest for quality. On behalf of the U.S. Senate and over 60 other volunteers who worked under their fine leadership, we thank Ted Atencio and Bob Grant for their extraordinary volunteer efforts and commend them for the difference they have made in Nevada organizations' quality and competitiveness.

Their commitment to voluntarism, a central theme of America's success story, exemplifies that which is and always has been best in our Nation. As long as our country has men and women of their stature and drive, we will stay the course and continue to walk that path of service first trod by the pilgrims over 300 years ago.

PIKE-HUSKA AMERICAN LEGION AUXILIARY UNIT NO. 230

Mr. PRESSLER. Madam President, I would like to take a moment to recognize an American Legion Auxiliary unit in my home State of South Dakota. I recently was informed that Pike-Huska Unit No. 230 of Aurora, SD, has taken steps to remind voters of the importance of being informed about civic matters. Faced with a town council election in which several of the candidates were not well known by the voters, the American Legion Auxiliary held an election forum to clarify the platforms of all the candidates running for mayor or alderman.

I am proud there are people in South Dakota who work to inform voters. I ask unanimous consent that the information sent to me by the organization's secretary, Margaret Allstot, be placed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN LEGION AUXILIARY, PIKE-HUSKA UNIT #230.

Aurora, SD, May 24, 1994.

Hon. LARRY PRESSLER,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SIR: In April of this year, our small town was faced with an election of several candidates for our town council. Because some were not well known, there was concern expressed as to what their platforms were. As a result, our American Legion Auxiliary Unit voted to hold an election forum so the public could meet and question each of the candidates and so be better informed when they went to the poll.

We made all of the arrangements, contacted a member of the Women's League of Voters for a Moderator, obtained someone to be timer and printed up copies of the agenda. The event was well attended and both the candidates and those attending were pleased to have the information made available. Response was favorable enough to anticipate further forums in the future for council elections. Enclosed is a copy of the agenda.

I am proud to be a part of an organization who holds it as their responsibility to help perpetrate knowledge in our freedom of casting votes. I request that this project be placed in the Congressional Record. Thank you.

Sincerely,

MARGARET ALLSTOT,
Secretary.

KNOW YOUR CANDIDATES FORUM: CITY ELECTION, APRIL 12

When? Thursday, April 7, 7:30 p.m.

Where? Little Hall, Aurora.

Candidates:

Mayor: John Barthel, John Wright, Fred Weeks.

Aldermen: Ward 1: Jack Hansen, Jan Geise.

Ward 2: Bob Anderson.

For the Mayoral Candidate:

Why do you want to be mayor?

What do you see as his/her duties?

What do you see as a goal for your term?

For the Alderman Candidate:

Why do you want to be elected?

What, in your opinion, are the duties of an Alderman?

What issues do you have in mind to accomplish?

For both Mayor and Alderman:

What is your opinion of each of the following?

1. The town's maintenance? Suggested improvements/changes

2. The law enforcement contract? Suggested improvements/changes

3. The garbage disposal? Suggested improvements/changes

4. Aurora's form of government? Is there balanced representation of various wards? Suggested improvements/changes

5. Business and/or residential growth in Aurora? Suggested ideas for either or both.

6. What do you see in Aurora's future?

Sponsored by American Legion Auxiliary Unit #230, Aurora.

TRIBUTE TO DONNA MILLAR

Mr. WARNER. Madam President, I would like to commend the outstanding accomplishment of Ms. Donna Millar, a single mom who will be graduating this month summa cum laude from National Louis University in McLean, VA.

The difficulties of parenting this day and age are immeasurable. It is unfortunate that so many parents must manage this role alone. What makes her accomplishment so remarkable are the obstacles Donna overcame to complete her education. She was a gifted student her entire life, but despite her academic achievements, she was unable to attend college due to the commitments of a young family. At an early age, she was faced with the difficult choice of raising two daughters and postponing her further education.

As a young woman, Donna entered the work force and made a career for herself with little or no resources. After many years and the birth of her third child, she decided to return to school at night despite the challenge of balancing a demanding job and raising an infant. It took 6 years, attending college part time, but Donna will graduate on June 18, 1994, with a bachelors of arts in business. The ceremony will take place at the American University campus in Washington, DC.

As a single mother, Donna managed to create an environment for her children which included a beautiful home, tireless help with homework assignments, holidays and birthdays filled with cheer, and an endless supply of affection. The struggles were plentiful but she managed by the sheer motivation of her selfless love for her family. Now, 20 years later, she has succeeded in fulfilling a lifetime goal.

Today, Madam President, her children have asked me to share with the world how proud they are of their beloved mother and of all that she has accomplished.

PRESIDENT CLINTON'S WELFARE REFORM PROPOSAL

Mrs. KASSEBAUM. Madam President, today in Kansas City, President Clinton is unveiling his long-awaited proposal to end welfare as we know it. Without question, the current welfare system has helped sustain the lives of millions of American children. It is also without question that we have done so at enormous expense.

The real tragedy of our present welfare system is not merely its cost to taxpayers—important as that is. Rather, it is that the present system is failing millions of children and families. Welfare was never intended to be a way of life, but in too many cases that is the reality we face. I believe there is a growing feeling in this country that the costs of welfare—financial and human—have grown too large.

After 60 years and hundreds of billions of dollars, Federal welfare efforts have never come close to winning the war on poverty. Today, one out of five children live in poverty. Five million families, including ten million children, receive welfare assistance. Each year, half-a-million children are born to unwed teenage mothers, the vast majority of whom will end up on welfare.

That is why I believe the stakes in welfare reform are extremely high. Our failure or success will determine, to a large extent, whether millions of children get a fighting chance to lead healthy, responsible, productive lives.

President Clinton has proposed several changes which have the potential for improving the Federal welfare system. The provisions which permit State flexibility in the design of the Aid to Families with Dependent Children [AFDC] Program are good. They include a mixture of expanded State options for the most widely used State waiver requests and continuance of the waiver process. This flexibility will permit each State to tailor programs to the particular needs of welfare recipients in that State.

Provisions dealing with teen mothers and out-of-wedlock births emphasize the need for both parents to contribute to the support of their children. I share the administration's belief that teen mothers should be required to reside with a parent or other responsible adult. Additionally, the child support clearinghouse can help with the enforcement of interstate child support, which has been a continual problem in current child support enforcement efforts. Today's technology will enable us to track and monitor noncustodial parents who fail to support their children.

However, some provisions in the proposal do not live up to the rhetoric that we have heard since the campaign. What is being billed as "two years and out" by President Clinton is not really a time limit on the receipt of Government assistance. First, it only applies to youngest age group of AFDC recipients—about one-third of the current AFDC caseload. Second, after 2 years the benefits will not end. Rather, the recipient will be required to work at a created job. Most, if not all, of these jobs will be in the public sector. With any make-work program there is a great danger that little productive work will be done.

Few would argue with the proposition that moving people from welfare dependency to work should be the guiding principle of any effort to restructure welfare. However, I believe that the first basic question to be addressed is not how to reform welfare, but who should do the reforming. My main reason for focusing on this question is simple. I believe a critical flaw in the present system is not only a lack of personal responsibility—it is a lack of responsibility at every level of government.

Our largest welfare programs today are hybrids of State and Federal funding and management. The States do most of the administration while the Federal Government provides most of the money. The result is a hodgepodge of State and Federal rules and regulations, conflicting eligibility and benefit standards, and constant push-and-pull between State and Federal bureaucracies.

In this joint system—which is continued in the Clinton proposal—no one has real power to run any welfare program, and no one is ultimately responsible for any result. This may suit the needs of Government bureaucracy. It clearly is not meeting the needs of children in poverty.

That is why I introduced the Welfare and Medicaid Responsibility Exchange Act of 1994, S. 1891. This so-called swap bill would transfer full responsibility for welfare and nutrition programs to the States in exchange for Federal responsibility for the Medicaid Program.

All of the innovation in welfare reform has originated at the State and local level. States throughout the country are passing welfare reform legislation. Although the methods differ from State to State, they are aimed at moving people from welfare to work, ending the cycle of dependence on public assistance, and encouraging personal responsibility.

These State efforts can draw upon the unique strengths of each area and focus their resources on specific barriers hindering the transition from welfare to work. How does a Federal one-size-fits-all welfare system deal with the problems the decades of poverty in Appalachia or the unemployment caused by the economic recession in parts of New England?

The choice of Kansas City, MO, was not an arbitrary one by President Clinton. The Missouri Legislature passed a major welfare reform package this year. The Commerce Bank, in whose lobby the President is delivering his speech, has been an active participant in the Futures Program and the Women's Employment Network—two initiatives designed to help people make a successful transition from welfare to work.

Since 1991, the Futures Program, a public-private partnership, has placed 240 welfare recipients into private sector jobs. The Women's Employment Network, operating since 1986, is a private nonprofit organization, receiving little Government funding. It has served 1,500 women and placed 785 in private sector jobs.

I believe that a major factor in the success of these programs has been the level of commitment and responsibility engendered by local and State ownership in the design of the program—

something which cannot be instilled by the Federal Government, even with an extensive list of options and waivers.

We must face the fact that Washington does not have a magic answer to the welfare problem. Our experience over the past two decades suggests that when the Federal Government takes over a problem, local responsibility begins to wither, local concern fades away, and local initiative is stifled.

Genuine and effective welfare reform will require a great deal more than money and ingenious legalisms. True welfare reform will require a renewal of local and State responsibilities for children and families in need. That can only happen if the Federal Government steps aside and allows States to get on with this work.

FLAG DAY

Mr. DOLE. Madam President, George Washington once said of the Nation's flag, and I quote, "Let us raise a standard to which the wise and honest can repair." As I am sure all of my colleagues know, today is Flag Day. I think it's only appropriate for us to take a few moments to honor Old Glory and everything that it represents: freedom, hope, opportunity, and strength.

Today is a day for us to reflect on history's greatest democracy. Our Nation may not be perfect, it may have some flaws, but no other nation has embarked on such a great experiment in government. If we fail to remember our past and the ideals on which our country is founded we risk our own freedom and liberty.

Today is also a day for us to remember those who have paid the ultimate sacrifice to preserve this Nation and our ideals. We have just commemorated the 50th anniversary of the invasion at Normandy, the beginning of the great crusade to restore freedom and liberty. I can not help but be reminded of the importance of American leadership. It is just as vital to the survival of liberty today as it was 50 years ago this month.

Theodore Roosevelt stated, "There can be no fifty-fifty Americanism in this country. There is room here for only hundred percent Americanism." So, Mr. President, today is a day for every American to renew their pledge to our flag; and to recite openly and proudly the pledge of allegiance. Let us pledge today that we truly are "one nation, under God" and "indivisible." In the home, in the classroom, in the meeting hall, or wherever Americans gather, let us make a renewed pledge of allegiance to our flag and to the principles for which it stands.

TRIBUTE TO CHARLES M. WHITNEY

Mr. D'AMATO. Madam President, I rise today to pay tribute to Charles M. Whitney, president and CEO of the New York State Credit Union League and its affiliates. Chuck recently marked 20 years of service to the credit union movement, and it's a milestone that I believe should not go unrecognized.

His career supports the idea that history is biography. To tell his story is to tell the success story of the credit union movement in New York over the last 20 years—one of extraordinary vision and undaunted spirit in the face of change.

In 1974, Chuck joined the staff of the New York State Credit Union League as administrative services manager. By striving to meet the needs of credit unions, Chuck recognized that there were numerous other services the league could provide to enable credit unions to better serve their members. The opportunity to follow through on those goals came when he was named president in 1985.

Chuck marshaled support and helped create a broad spectrum of services to meet credit unions' needs. Plans for a mortgage service corporation, a credit card operation, a statewide automated teller machine [ATM], network and shared service centers were visions soon realized.

During Chuck's tenure with the credit union movement, a financial institution also evolved at which credit unions in New York pooled their resources to provide high-quality, cost-effective investment services for each other—in short, a credit union's credit union.

In less than a decade, Empire's Corporate Federal Credit Union's assets passed the billion-dollar mark, and due in large part to Chuck's stewardship, the corporate credit union established a standard of excellence that remains second to none.

Today, with Chuck at the helm, the league and its affiliates provide a broad spectrum of products and services to its more than 700-member credit unions. While adding new services on the cutting edge of technology. Chuck maintained an array of programs to assist credit unions with their day-to-day operations. In short, the vision Chuck had—one of a central entity where credit unions can find virtually every service they need—is a reality.

Credit unions are far more viable today because Chuck set plans in motion years ago. Consumers have been the ultimate benefactor. Some 3.2 million New Yorkers owe Chuck a debt of gratitude for his efforts to make their credit union the alternative, cooperative resource of choice for financial services.

In addition to his involvement on the State level, Chuck was recently elected as chairperson of U.S. Central Credit Union. U.S. Central is the main depository for the Corporate Credit Union Network, comprised of Empire and 41 other corporate credit unions that provide financial services to the 13,000-plus credit unions across the country.

Chuck is a thrift representative of the Advisory Board of the New York Federal Reserve Bank, is vice chairman of the Association of Credit Union League Executive [ACULE], and chairman of the Credit Union Legislation Action Council [CULAC]. He also serves on various Credit Union National Associations [CUNA] and ACULA committees.

Throughout the credit union movement, Chuck has nurtured something without which no organization can long endure: a sense that problems are tractable. He has done the most important thing a president and CEO of an organization can do: given the people to whom he is responsible, hopeful, and yet creative, outlook toward the future.

Madam President, if you wonder who real leaders are, you only need to look to those who have real followers. Persons who follow a leader onto a path of life, those who adopt careers where they navigate by stars someone else taught them to see—are what makes a real leader. Chuck is one such person.

For the past 20 years, credit unions have been embellished by his vision and undaunted spirit in the face of change. Mr. President, I ask that my colleagues pause from today's deliberations and join with me to pay tribute to Chuck Whitney.

THE PASSING OF GRAND REBBE MENACHEM SCHNEERSON

Mr. D'AMATO. Madam President, I rise today to comment on the passing of Grand Rebbe Menachem Schneerson. Sunday, I again visited Crown Heights. This time, it was to join with the Jewish community in saying goodbye to a towering religious figure. I saw the tremendous grief etched on the faces of the mourners. The Jewish community and the world have lost an inspiring individual whose primary credo was to exhort all people, of all faiths, to undertake acts of kindness toward others. I have had many conversations with the Rebbe, and I know the force of his personality, as well as his great devotion to mankind.

Menachem Mendel Schneerson leaves a great void, but also a worldwide legacy. The Lubavitch movement not only brought Jews closer to their faith, but contributed significantly to communities around the world.

It is my fervent hope and belief that the leadership of Lubavitch will continue along the path of kindness and good will to all humanity.

TRIBUTE TO EUGENE BUTLER

Mr. HEFLIN. Madam President, I want to take a moment to recognize a distinguished individual who will pass a great milestone very soon. Eugene

Butler is the editor-in-chief emeritus of Progressive Farmer and he celebrated his 100th birthday on June 11. Mr. Butler means a great deal to rural communities of the South. Throughout his career he has played a tremendous role in improving the lives of our farmers.

Born in Starkville, MS, Eugene's father Dr. Tait Butler was a cofounder of Progressive Farmer. He received degrees from Mississippi State, Cornell, and Iowa State Universities. In 1992, he was named an honorary doctor of agriculture by North Carolina State University.

Eugene has been with Progressive Farmer for over 75 years. He became editor of the Texas division in 1922 where he stayed for 40 years. From 1953–69 he served as president of the publication, and in 1958 he became editor-in-chief. In 1964, he became chairman of the board of directors, serving in this capacity for two decades. He never really retired, often still coming to his office in Dallas.

However, Eugene's contributions do not stop with Progressive Farmer. He was a catalyst for change in the agricultural community as a whole. His contributions helped farmers all over the South as he worked tirelessly for soil improvement through the use of organic matter, legumes, and fertilizer. His efforts also helped to eradicate the cotton boll weevil. He also worked to improve rural health care. In this sense, he was many years ahead of his time.

I salute Eugene Butler for all that he has given us over the years. Whether it was in journalism or agriculture in general, he improved the lives of our farmers. We owe him a tremendous debt of gratitude.

I also extend my best wishes for many more happy birthdays. To have lived a century is to have seen many things. Eugene has lived through six major wars, the cold war, and the Great Depression. He was born when Grover Cleveland was President of the United States, and he has lived through 17 successive Presidents. All the best to Eugene as he passes the Century mark. I hope that he will continue to brighten people's lives for many years to come.

CONGRATULATIONS TO STUDENTS OF THE SHADES VALLEY RESOURCE LEARNING CENTER

Mr. HEFLIN. Madam President, I want to take a moment to salute and congratulate a teacher and a group of students from the Shades Valley Resource Learning Center in Birmingham, AL. They recently won an award for their expertise in the area of extension of rights at the national competition of the "We the People . . . The Citizen and the Constitution Program."

They competed against 47 other schools from all across America. The students exhibited a remarkable understanding of the fundamental values of American constitutional government. Schools receive the award by competing in national finals in each of the six units of the "With Liberty and Justice for All" text. The competition, which simulates a congressional hearing, was held in Washington, DC, April 30, to May 2, 1994. The program is administered by the Center for Civic Education, and is the most extensive of its kind to help students understand American Government.

The Shades Valley students who received this honor were Roger Armstrong, Katie Bates, Kelly Bearden, Emily Bell, Melissa Bess, Kate Bishop, Kevin Chance, Roy Clarkson, Minal Delwadia, Jonathan Denton, Sarah Eastman, Julie Ezelle, Clay Farris, Alisa Fyfe, Carin Glover, Howard Hsu, Pam Jackson, Jason Lagory, Sima Lal, Reed Lochamy, George Ma, Patrick Morgan, Supriti Paul, David Pitts, Shoshana Potts, Krista Poole, Dawud Rasheed, Carla Segars, Cheryl Sellers, Sara Shepherd, Jemeka Stallworth, Brett Stanley, and Bryan Woods. Their teacher Linda Mays Jones did an outstanding job preparing her class for the competition.

These students' achievement reflects what is best about American education. Their hard work and determination paid off in the form of this well deserved recognition.

ACTION OF THE ARMED SERVICES COMMITTEE ON A NAVY PROMOTION LIST

Mr. NUNN. Madam President, the Committee on Armed Services today reported to the Senate a list of 30 Naval officers who have been nominated for promotion to rear admiral, lower half.

In reporting that list, we did not include the nomination of Capt. John B. Padgett III, whose nomination will remain pending before the committee. As is well known from media accounts, Captain Padgett was the Commandant of Midshipmen at the time of the recent cheating scandal. The committee has been notified that the issue of his accountability, if any, is under review by the Navy.

The committee normally does not act on a list until all nominations on the list are ready for consideration. Prior to acting on this particular list, the committee received a letter from Secretary of the Navy John Dalton. Secretary Dalton requested that the committee act on the promotion list, except for Captain Padgett, so that the promotion of the other officers would not be delayed while Captain Padgett's situation is under review by the Navy. The committee has reluctantly acceded to Secretary Dalton's request. I want to emphasize, however, that the action of the committee is not intended to prejudice Captain Padgett's situation, and is not intended in any way to prejudge our deliberations on his nomination. His nomination will remain pending in the committee. It will receive full and fair consideration once the Navy advises the committee through the proper executive branch channels of its disposition and recommendations after completing its review concerning Captain Padgett.

IN MEMORY OF RABBI MENACHEM MENDEL SCHNEERSON

Mr. MOYNIHAN. Madam President, Jews throughout the world are in mourning today for Rabbi Menachem Mendel Schneerson, the charismatic Lubavitcher rebbe who was buried next to his venerable predecessor and father-in-law, Rabbi Joseph Schneerson, yesterday afternoon in New York City.

Much has been said and written about the rebbe's remarkable contributions, particularly by the tens of thousands of us who were privileged to meet with him during his more than 40 years of leadership of the Lubavitch Chassidic movement. Each of us has our own memories of this special man. One of my lasting memories is of my last visit with the rebbe, in the spring of 1990, when I brought him a gift from the Jewish community of Morocco. We spoke at the time about the small Jewish community of Morocco, and about the connection between this body and the Lubavitch movement, a bond that has its roots in the relationship between the Rabbi's predecessor and one of this century's towering Senatorial figures, the late William Borah of Idaho.

Some Members of the Senate may not be familiar with the role that Senator Borah played in securing the release of Rabbi Joseph Schneerson from a Soviet prison and the emigration of his entire immediate family, including the current rebbe, from Stalin's Russia. The intervention of Senator William Borah of Idaho on behalf of this beleaguered Chassidic family stands as a noble example of courageous moral leadership. All of us in public life would do well to ponder Senator Borah's oft-repeated explanation as to his "motive" in leading an international campaign to save an apparently obscure religious leader in a faraway land: "I like to do things that get me votes in the next election in Idaho but every so often I do something that assures me of votes in that final election will we will all have to stand for someday."

I thought of Senator Borah in January 1990 when I visited Morocco in my capacity as chairman of the Senate Foreign Relations Committee's Subcommittee on the Middle East and South Asia.

When I met with the Jewish leaders of Morocco and toured several of their synagogues and civic centers I discovered two pictures in every building—His Majesty King Hassan II and the Lubavitcher rebbe, Rabbi Menachem Mendel Schneerson.

This should not surprise anyone who is familiar with the rebbe's historic role in supporting Jewish education and Jewish continuity throughout the world. The Members of the Senate are familiar with Lubavitcher activities in their own States but Lubavitch is also deeply involved in over 100 nations around the globe—including many where it is the only official Jewish presence and the only source of Jewish educational and religious training. And, some day, hopefully soon, the full story will be told of Lubavitch's heroic role in keeping Judaism alive in lands of cruel tyranny where teaching the Bible is a crime and uttering a public prayer is rewarded with a prison sentence.

For over 40 years these remarkable activities—the publicized and the clandestine; the Chanukah lamp lighting on television and the underground matzah baking under the noses of Communist secret police, the young women giving out Sabbath candles on Fifth Avenue, and the Yeshiva schools in Arab lands—have been directed and inspired by Rabbi Menachem Mendel Schneerson.

At the end of my meeting with the Moroccan Jewish leadership they gave me one of their most precious possessions, a rare Hebrew prayerbook, one of the first ever printed in their country. They had one request: to give this heirloom to the Lubavitcher rebbe as a token of their appreciation for "caring about us when almost everyone else had forgotten."

When I visited the rebbe and gave him the prayerbook he kissed it gently and told me that "they are very kind, but how can I not care about them."

For 44 eventful years he cared. He taught and inspired several generations of Jews on all continents while helping to write a major chapter in contemporary Jewish history. New Yorkers of all faiths are proud that the rebbe lived among us for all these years. He will be missed. I ask that I may place in the RECORD a brief biography of Rabbi Schneerson and a description of his career prepared by the Lubavitch Youth Organization. I am sure that the entire Senate joins me in marking the passing of this exceptional spiritual leader who lived his life with an eye on that "final election" which Senator Borah alluded to.

THE REBBE

The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, world leader of the Chabad-Lubavitch Movement, has been described as one of the most respected Jewish personalities of our time. To his hundreds of thousands of Chassidim and numerous followers and admirers around the world, he is "the Rebbe," today's most dominant figure in Judaism and largely responsible for stirring the conscience and spiritual awakening of world Jewry.

From his office at Lubavitch World Headquarters in New York, the Rebbe generates a constant flow of optimism, strength and instruction that unites and inspires world Jewry. Indeed, many of the Rebbe's innovations are so deeply ingrained in Jewish life today that they often are no longer identified as Lubavitch in origin.

EARLY YEARS

Rabbi Menachem Mendel Schneerson is seventh in the dynastic lineage of Lubavitcher leaders. The Chabad-Lubavitch Movement was founded in the 18th century by Rabbi Schneur Zalman of Liadi (1745–1812), author of the basic work of Chabad philosophy—Tanya, and the Schulchan Aruch—the Code of Jewish Law.

The Rebbe was born in 1902, on the 11th day of Nissan, in Nikolaev, Russia. He is the son of the renowned Kabbalist and Talmudic scholar, Rabbi Levi Yitzchak Schneerson, and Rebbetzin Chana, an aristocratic woman from a prestigious Rabbinic family. He is also the great-grandson of the third Lubavitcher Rebbe, and his namesake, Rabbi Menachem Mendel of Lubavitch. At the age of five he moved with his parents to the Ukrainian city of Yekatrinislav, now Dnepropetrovsk, where his father was appointed Chief Rabbi.

From early childhood the Rebbe displayed a prodigious mental acuity and soon had to leave the cheder because he was so far ahead of his classmates. His father engaged private tutors for him, and after that, taught him himself. By the time he reached his Bar Mitzvah, the Rebbe was considered an illuy, a Torah prodigy. He spent the rest of his teen years immersed in the study of Torah.

The Rebbe met the previous Lubavitcher Rebbe, Rabbi Usaf Yitzchak Schneersohn, in 1923, in Rostov, Russia. In 1929 Rabbi Menachem Mendel Schneerson, married the second daughter of Rabbi Usaf Yitzchak Schneersohn, the late Rebbetzin Chaya Moussia, in Warsaw.

He later studied in the University of Berlin and then at the Sorbonne in Paris. It was there that his formidable knowledge of mathematics and the sciences began to blossom.

ARRIVAL IN U.S.A.

In 1941 he emigrated to the United States. His father-in-law, who arrived in the United States a year earlier, appointed him to head his newly founded organizations: Merkos L'inyonei Chinuch, the educational arm of the Lubavitch movement; Machne Israel, the movement's social service organization; and Kehot Publication Society, the Lubavitch publishing department.

Shortly thereafter the future Rebbe began writing his scholarly notations to various Chassidic and Kabbalistic treaties, as well as a wide range of response on Torah subjects. With publication of these works his genius was soon recognized by Jewish scholars the world over.

LEADERSHIP

After the passing of Rabbi Usaf Yitzchak Schneersohn, on the 10th Shevat, in 1950, Rabbi Menachem M. Schneerson, ascended to the leadership of the flourishing movement. Labavitch institutions and activities soon took on new dimensions. The outreaching philosophy of Chabad-Labavitch, based on the biblical: "and you shall spread forth to the West and East and to the North and to the South" (Genesis 28:14) was immediately translated into action as Chabad-Lubavitch Centers were opened in dozens of cities across the United States.

Motivated by a profound love for the Jewish people, the Rebbe launched an unprecedented program to reach every Jew. His shluchim—the Lubavitch emissaries—were charged with establishing Chabad-Lubavitch centers in every corner of the world. These dedicated men and women reflect the commitment of Lubavitch to the entire Jewish people. With open minds and open hearts, they respond to the needs of their respective communities through religious, educational and social-service programs. It is no wonder that, for many communities, Chabad-Lubavitch has become the central address for Yiddishkeit.

ONE THOUSAND POINTS OF LIGHT

During the Rebbe's four decades of inspired leadership Lubavitch has become the world's largest Jewish outreach organization, maintaining centers in almost every Jewish community on the globe.

Today, some one thousand Chabad-Lubavitch institutions span dozens of countries on six continents, and those countries and communities that have no Chabad-Lubavitch institution in place are visited and cared for by the closest existing facility.

These educational and social-service institutions serve a variety of functions for the entire spectrum of Jews, regardless of background or affiliation. Indeed the programs geared to humanitarian endeavors reach out beyond the Jewish community to all mankind.

In the United States alone, more than 180 centers serve every state in the Union.

In Israel, the "Chabadniks" are particularly endeared to all. Their programs reach all segments of the community, and enjoy the respect of the population, regardless of affiliation. From the soldier stationed at the isolated army post to the farmer on the kubbutz—all have come to admire the personal attention given to him by Rebbe through his emissaries.

Kfar Chabad, near Tel Aviv, is one of several Lubavitch cities in Israel, and serves as the Lubavitch headquarters there. Its unique educational institutions and outreach facilities have become a lifeline of spirituality for tens of thousands of Israeli citizens.

It was in Russia that Chabad-Lubavitch was born more than 200 years ago, and since nurtured there by its Rebbes in each generation.

The heroic efforts of Chabad-Lubavitch in maintaining Judaism there under the most difficult conditions before and especially after the Bolshevik revolution are legion, and have yet to be told.

Those knowledgeable as to the maintenance of Judaism in the Soviet Union during the past century know that Lubavitch and its Rebbes played a major role in keeping the fires of Judaism aglow under the most oppressive and excruciating circumstances conceivable.

Now that perestroika has arrived, the work continues publicly. The Rebbe has established more than twenty institutions for Jewish learning. Dozens of emissaries have taken up residence there, and as soon as developments will allow, Jewish institutions under the aegis of Lubavitch will begin to mushroom throughout the U.S.S.R. and Eastern Europe.

In other countries, Lubavitch institutions have been established in Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, England, France, Holland, Hong Kong, Hungary, Italy, Morocco,

Paraguay, Peru, Scotland, Soviet Union, South Africa, Spain, Switzerland, Tunisia, Uruguay, Venezuela and West Germany.

These institutions monitor the pulse of Jewish life in their respective communities, and contribute to their spiritual vitality and stability. Directors report regularly to Lubavitch World Headquarters in New York, so that the Rebbe is constantly aware of what is happening in Jewish communal life around the world.

Under the Rebbe's guidance, the Lubavitch publishing house, Kehot Publication Society, has become the largest Jewish publishing house in the world. It publishes and distributes millions of books, pamphlets, cassettes and educational materials in Hebrew, Yiddish, English, Russian, Spanish, French, Portuguese, Italian, Arabic, Farsi, Dutch, and German.

The central library and archive center of Agudas Chassidei Chabad-Lubavitch, at Lubavitch World Headquarters, is one of the world's most precious repositories of Jewish books and literature, containing a collection of rare books and manuscripts.

REVERSING THE TIDE

The Rebbe has often been heard saying that "we dare not rest until every Jewish child receives a Jewish education."

The Jewish day-school system, of which Lubavitch was the pioneering force, has displaced across a wide spectrum the once-prevalent ideology that Jewish education was a kind of dutiful appendage to the real business of acquiring a secular education. Jewish day schools have since been accepted and fashionable. This, as well as some of the outreach programs of Chabad-Lubavitch have served as a guide for others to emulate.

The Rebbe has continually emphasized the need to reach out to alienated youth and young adults to bring them back to their Jewish roots. He has seen to the establishing of special educational facilities for them.

From full-time yeshivas for Jewish men and women with little or no background in Torah study to literally tens of thousands of classes at Chabad-Lubavitch centers and synagogues around the world—the Rebbe has been, and continues to be, the vital life-force behind an outreach process that has affected the entire spectrum of Jewish life.

His widespread Mitzvah and festival campaigns, have ignited in the masses a flame of devotion and commitment to Judaism, and has created a virtual spiritual revolution among those previously alienated from Judaism.

The Lubavitch Mitzvah-Mobiles, of the "Jewish Tanks to combat assimilation," as the Rebbe refers to them, have become a familiar sight on the streets and by-ways of urban and suburban communities around the world. Offering "Mitzvahs on the spot for people on the go," these "tanks" encourage their visitors to participate in a Mitzvah, and prompt them to come closer to their precious Jewish heritage.

From Melbourne to London, Casablanca to Los Angeles, through the many Lubavitch schools, youth centers, institutions, agencies and activities established and maintained through the Rebbe's efforts, countless Jews have found their way home.

CONCERN FOR ALL

There is a story told about the Rebbe's early life that seems to be almost symbolic of much that was to follow. When he was nine years old, the young Menachem Mendei, dived into the Black Sea to save the life of another boy who had fallen from the deck of a moored ship. That sense of other lives in danger, seems to dominate his conscience. Jews "drowning," and no one hearing their cries for help; Jewish children deprived of Jewish education; Jews on campus, in isolated communities, under repressive regimes—all in need of help.

The Rebbe continually strives, ceaselessly and untiringly, to reach out to all Jews. He moves and motivates all those whom he reaches to take part in this task to reach out to others, to help them, to educate them and bring them together.

REVOLUTIONARY THINKER

The Rebbe is a systematic and conceptual thinker on the highest level. His unique analytical style of thought has resulted in a monumental contribution to Jewish scholarship. His brilliant approach to the understanding of the classic Biblical commentary of Rashi, for example, has revolutionized Bible study.

More than 125 volumes of his talks, writings, correspondence and response have been published to date.

For all this scholarship, he consistently exhorts that intellectual understanding must bring to action and good deeds.

LETTERS AND CORRESPONDENCE

The Grot Caddish series, a chronological collection of the Rebbe's correspondence and response, is now in the midst of publication. Volume 16 has just been published, and brings the total of letters published to more than 6,000, written up to the winter of 1958. The series contains only his correspondence in Hebrew and Yiddish; his prolific correspondence in English is now being prepared for publication.

The writings in the Grot Caddish series shed some light on the Rebbe's genius and the success of Lubavitch under his leadership. His correspondents include Rabbinic scholars and statesmen, homemakers and educators, chief rabbis and Bar/Bat Mitzvah youngsters, scientists and laborers, communal leaders and laymen, men and women from all walks of life.

The breathtaking sweep of topics covered in these letters encompasses every sphere of interest, and every field of human endeavor. They range from mysticism, Talmud and Classidic philosophy, to science and world events, from guidance in personal matters to advice in education and social and communal affairs.

It is a veritable treasure chest of profound Rabbinic, Talmudic, Kabbalistic and Chassidic teachings, exuding encouragement, inspiration and direction, reflecting the Rebbe's remarkable insight into human nature.

It is perhaps the case that his fame as a leader and innovator of widespread mitzvah campaigns and communal projects is a result of his originality as a thinker, and his ability to unite the conceptual with the pragmatic. Essentially, with the Rebbe these two facets are one—the comprehensiveness of his thought and action are part of the same drive: the unity of Torah, the unity of the Jewish people, the unity of mankind in fulfilling the ultimate purpose of creation.

FARBRENGEN

A "Farbrengen," Chassidic gathering at which the Rebbe speaks publicly, is an unforgettable experience.

The Rebbe speaks extemporaneously, usually for hours, without referring to any notes, on a wide range of subject matter, from profound Talmudic and Chassidic teachings, to matters affecting the quality of Jewish life, to events of vital national and international concern. The Rebbe teaches, guides and elevates.

During the brief intermissions in the Rebbe's talks the thousands in attendance join in Chassidic signing, and raise their cups in greetings of "L'Chayim" to the Rebbe.

Amidst the thousands of Chassidim in attendance at a Farbrengen at Lubavitch World Headquarters in New York, one can find people from literally all walks of life, young and old, communal leaders and plain folk, rich and poor.

When the Rebbe speaks on weekdays his talk is transmitted live via satellite to Chabad-Lubavitch centers and to cable TV stations across North America and parts of South America, and often to Israel, Europe, Africa and Australia, bringing the Rebbe's message into millions of Jewish and non-Jewish homes.

A special telephone hookup system also relays the Rebbe's talk live to Lubavitch Centers around the world.

A simultaneous English translation of his talk in Yiddish is provided for the television audience. Those personally attending the Farbrengen can use wireless receivers providing simultaneous translations in English, Hebrew, Spanish, French and other languages as well.

The Rebbe's Farbrengen has been described as a "unique blend of intellectual profundity and joyous celebration; an uplifting experience that enlightens and motivates."

PILLAR OF LIGHT

Those who consult or visit the Rebbe for the first time—usually do so because of his reputation as a man of encompassing vision. They tend to emerge somewhat unnerved, taken by surprise. They might expect, the conventional type of leader, imposing his presence by the force of his personality. What they find is difficult to define. The Rebbe, despite the enormous complexity of his involvements and concerns, is totally and humbly engaged with the person he is speaking to. It is as if nothing else exists.

Every Sunday morning, huge crowds of men, women and children gather at Lubavitch World Headquarters and patiently wait their turn to meet the Rebbe face-to-face, whereupon they receive his blessing. The Rebbe gives each individual a crisp, new dollar bill to be given to a charity of their choice.

This custom attracts people from all walks of life who sometimes travel thousands of miles just for this momentary, yet profoundly special, unforgettable encounter.

UNIVERSAL MESSAGE

Responding to the demands of the time, the Rebbe has reached out beyond the Jewish community with a universal message to all peoples of the world.

The Rebbe has consistently called for greater awareness of the crucial importance of education of all mankind, stressing that the goal of education is not only to provide a child with information, but more essentially to develop a child's character, together with his intellectual ability, with emphasis or moral, spiritual and ethical values. Only as a result of such education will individuals recognize the need to abide by fundamental human rights and societal obligations.

The Rebbe has continuously maintained that modern, secular man has an enduring need for moral values and religious philosophy by which to live.

He often speaks of the obligation of all humankind to adhere, and live by, the "Seven Noahide Commandment"—the universal code of Biblical morality and ethics, given go all

at Sinai. This, the Rebbe insists, is of the utmost necessity to bring sanity and stability to a perplexed world.

A HEALTHY MAJORITY

Mr. COCHRAN. Madam President, yesterday there was an interesting article in the Commercial Appeal of Memphis, TN, which I thought would be of interest to Senators. This is in the section of the paper entitled "Bygone Days."

In this article, things that happened of interest 45 years ago and 50 years ago were repeated. This is a particular piece datelined Washington, DC, June 13, 1919.

The thrilling sport of joyriding in airplanes has completely captivated most Members of Congress. Every day, many seats in the Capitol are empty while lawmakers soar aloft in Government planes piloted by Army pilots, all this notwithstanding the margin between Republicans and Democrats in the Senate is only 2 votes and the loss of a single Republican Senator would bring about a tie on a test of party strength.

So solicitous is Senator Henry Cabot Lodge, Republican leader, for the health of Republican Senators, that he recently announced that no Republican Senator should take an air voyage unless accompanied by at least two Democratic Senators.

As we work toward the elections this year, there is a good deal of speculation about how Republicans will pick up some seats in the Senate, and we may find ourselves in the situation where we have nearly the same number of Democrats and Republicans. So we might find this illuminating as to the responsibilities for the leadership not only to have a majority, but to keep a majority and to keep them healthy.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. REID. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1569), a bill to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1569) entitled "An Act to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Minority Health Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—OFFICE OF MINORITY HEALTH

SEC. 101. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of minority groups, the Secretary shall carry out the following:

"(1) In consultation with the advisory council under subsection (c), establish goals and objectives regarding disease prevention, health promotion, service delivery, and research, and coordinate all activities within the Department of Health and Human Services that relate to such goals and objectives.

"(2) In consultation with such council, enter into interagency agreements with other agencies of the Service, and under such agreements provide amounts to such agencies, to carry out the following:

"(A) Support research, demonstrations and evaluations to test new and innovative models of delivering services.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(D) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(3) Establish by contract a center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4)(A) Establish by contract a center for the purpose of carrying out programs to improve access to health care services for individuals who lack proficiency in speaking the English language by developing and carrying out programs to provide bilingual or interpretive services.

"(B) In carrying out subparagraph (A), ensure that—

"(i) the center under such subparagraph conducts research, develops and evaluates model projects, and provides technical assistance to health care providers; and

"(ii) such center is not operated by the entity that operates the center established under paragraph (3).

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on carrying out paragraphs (1) and (2) of subsection (b) for each minority group.

"(3) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B) and the nonvoting, ex officio members designated under subparagraph (C).

"(B) The voting members of the Committee shall be appointed from among individuals who have expertise regarding the health status of minority groups and the access of such groups to health services, which individuals are not officers or employees of the Federal Government. The appointed membership of the Committee shall be broadly representative of the various minority groups.

"(C) The Secretary shall designate as ex officio members of the Committee the heads of the minority health offices referred to in section 1707A.

"(d) APPROPRIATE CONTEXT OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) EQUITABLE ALLOCATION OF SERVICES.—The Secretary shall ensure that services provided under subsection (b) are equitably allocated among the various minority groups.

"(f) CONSULTATION WITH INDIVIDUAL MINORITY HEALTH OFFICES.—In carrying out subsection (b) regarding a specified agency, the Secretary shall consult with the head of the minority health office of the agency. For purposes of the preceding sentence, the terms 'specified agency' and 'minority health office' have the meaning given such terms in section 1707A(f).

"(g) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of minority groups. Each such report shall include the biennial reports submitted to the Secretary under section 1707A(e) for such years by the heads of the minority health offices.

"(h) DEFINITION.—For purposes of this section, the term 'minority groups' means African Americans, American Indians, Asian Americans, Hispanics, and Pacific Islanders.

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $21,000,000 for each of the fiscal years 1995 through 1997.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for carrying out subsection (b)(2)(D).".

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking "ESTABLISHMENT OF".

SEC. 102. ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN AGENCIES OF PUBLIC HEALTH SERVICE.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

"INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN PUBLIC HEALTH SERVICE

"SEC. 1707A. (a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. Each such Office shall be headed by a director, who shall be appointed by the head of the agency within which the Office is established, and who shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

"(b) SPECIFIED AGENCIES.—

"(1) IN GENERAL.—The agencies referred to in subsection (a) are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The Agency for Health Care Policy and Research.

"(C) The Health Resources and Services Administration.

"(D) The Substance Abuse and Mental Health Services Administration.

"(2) NATIONAL INSTITUTES OF HEALTH.—For purposes of subsection (c) and the subsequent provisions of this section, the term 'minority health office' includes the Office of Research on Minority Health established within the National Institutes of Health. The Director of the National Institutes of Health shall carry out this section (as this section relates to the agency) acting through the Director of such Office.

"(c) COMPOSITION.—The head of each specified agency shall ensure that the officers and employees of the minority health office of the agency are, collectively, experienced in carrying out community-based health programs for each of the various minority groups that are present in significant numbers in the United States. The head of such agency shall ensure that, of such officers and employees who are members of minority groups, no such group is disproportionately represented.

"(d) DUTIES.—Each Director of a minority health office shall monitor the programs of the specified agency of such office in order to—

"(1) determine the extent to which the purposes of the programs are being carried out with respect to minority groups;

"(2) determine the extent to which members of such groups are represented among the Federal officers and employees who administer the programs; and

"(3) make recommendations to the head of such agency on carrying out the programs with respect to such groups.

"(e) BIENNIAL REPORTS TO SECRETARY.—The head of each specified agency shall submit to the Secretary for inclusion in each biennial report under section 1707(g) (without change) a biennial report describing—

"(1) the extent to which the minority health office of the agency employs individuals who are members of minority groups, including a specification by minority group of the number of such individuals employed by such office; and

"(2) the manner in which the agency is complying with Public Law 94–311 (relating to data on Americans of Spanish origin or descent).

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health office' means an office established under subsection (a), subject to subsection (b)(2).

"(2) The term 'minority group' has the meaning given such term in section 1707(h).

"(3) The term 'specified agency' means—

"(A) an agency specified in subsection (b)(1); and

"(B) the National Institutes of Health.

"(g) FUNDING.—

"(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary may reserve not more than 0.5 percent for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

"(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph (1) may be expended by a minority health office include the costs of employing staff for such office.".

TITLE II—PRIMARY HEALTH SERVICES

SEC. 201. MIGRANT HEALTH CENTERS; COMMUNITY HEALTH CENTERS.

(a) MIGRANT HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "(i)" after "(C)";

(ii) in clause (i) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following clause:

"(ii) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in paragraph (7)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 329(a) of the Public Health Service Act (42 U.S.C. 254b(a)) is amended by adding at the end the following paragraph:

"(8) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one migrant health center in a catchment area in any case in which the Secretary determines that in such area there are workers or other individuals described in subsection (a)(1) (in the matter after and below subparagraph (H)) who otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 329(a) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(9) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize migrant health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 329(d)(4) of the Public Health Service Act (42 U.S.C. 254b(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a migrant health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a migrant health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a migrant health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (f)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

(b) COMMUNITY HEALTH CENTERS.—

(1) TREATMENT OF PREGNANT WOMEN FOR SUBSTANCE ABUSE.—Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended—

(A) in subsection (a)(3)—

(i) by inserting "(A)" after "(3)";

(ii) in subparagraph (A) (as so designated), by adding "and" after the comma at the end; and

(iii) by adding at the end the following subparagraph:

"(B) to the State official responsible for carrying out programs under subpart II of part B of title XIX, and in accordance with the provisions of section 543 regarding the disclosure of information, a notification if a pregnant woman is provided a referral for the treatment of substance abuse but the entity involved does not have the capacity to admit additional individuals for treatment,"; and

(B) in subsection (b)(2)—

(i) in subparagraph (L), by striking "and" at the end;

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following subparagraph:

"(M) treatment of pregnant women for substance abuse; and".

(2) OVERLAP IN CATCHMENT AREAS.—Section 330(b) of the Public Health Service Act (42 U.S.C. 254c(b)) is amended by adding at the end the following paragraph:

"(7) In making grants under subsections (c)(1) and (d)(1), the Secretary may provide for the development and operation of more than one community health center in a catchment area in any case in which the Secretary determines that there is a population group in such area that otherwise will have a shortage of personal health services. The preceding sentence may not be construed as requiring that, in such a case, the catchment areas of the centers involved be identical.".

(3) OFFSITE ACTIVITIES.—Section 330(b) of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following paragraph:

"(8) In making grants under this section, the Secretary may, to the extent determined by the Secretary to be appropriate, authorize community health centers to provide services at locations other than the center.".

(4) AMOUNT OF GRANT; USE OF CERTAIN FUNDS.—Section 330(d)(4) of the Public Health Service Act (42 U.S.C. 254c(d)(4)) is amended to read as follows:

"(4)(A) The amount of a grant under paragraph (1) or under subsection (c) for a community health center shall be determined by the Secretary, taking into account (for the period for which the grant is made)—

"(i) the costs that the center may reasonably be expected to incur in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), and

"(ii) the amounts that the center may reasonably be expected to receive as State, local, and other operational funding (exclusive of amounts to be provided in the grant under this section) and as fees, premiums, and third-party reimbursements.

"(B)(i) Subject to clause (ii), the Secretary may not restrict the purposes for which a community health center expends the amounts described in subparagraph (A)(ii) (including restrictions imposed pursuant to Federal cost principles).

"(ii) The Secretary may require that amounts described in subparagraph (A)(ii) be expended for purposes that are consistent with the purposes specified in this section.

"(C)(i) Payments under a grant under this section shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary. Adjustments in such payments may be made for overpayments or underpayments, subject to clause (ii).

"(ii) If, for the period for which a grant is made under paragraph (1) to a community health center, the sum of the amount of the grant and the amounts described in subparagraph (A)(ii) that the center actually received exceeded the costs of the center in carrying out the plan approved by the Secretary pursuant to subsection (e)(3)(H), then the center is entitled to retain such excess amount if the center agrees to expend such amount only for the following purposes:

"(I) To expand and improve services.

"(II) To increase the number of persons served.

"(III) To acquire, modernize, or expand facilities, or to construct facilities.

"(IV) To improve the administration of service programs.

"(V) To establish financial reserves.

"(D) With respect to funds that are amounts described in subparagraph (A)(ii) or excess amounts described in subparagraph (C)(ii), this paragraph may not be construed as limiting the authority of the Secretary to require the submission of such plans, budgets, and other information as may be necessary to ensure that the funds are expended in accordance with subparagraph (B)(ii), or clauses (I) through (V) of subparagraph (C)(ii), respectively.".

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended—

(A) in paragraph (1)(A), by striking "1994" and inserting "1998"; and

(B) in paragraph (2)(A), by striking "1994" and inserting "1998".

SEC. 202. HEALTH SERVICES FOR THE HOMELESS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and 1994" and inserting "through 1998".

SEC. 203. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) of the Public Health Service Act (42 U.S.C. 256a(p)(1)) is amended by striking "and 1993" and inserting "through 1998".

SEC. 204. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338I(c) of the Public Health Service Act (42 U.S.C. 254q–1(c)) is amended by adding at the end the following paragraph:

"(4) PRIVATE PRACTICE.—

"(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

"(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.".

SEC. 205. GRANTS TO STATES FOR OPERATION OF STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 206. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS REGARDING OBLIGATED SERVICE OF HEALTH PROFESSIONALS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) by striking "health manpower shortage" each place such term appears and inserting "health professional shortage";

(2) in subsection (e)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(C) in paragraph (1) (as so redesignated), by inserting after "the individual" the following: "who is to receive the scholarship under the contract";

(3) in subsection (k)(2), by striking "internal medicine, pediatrics," and inserting "general internal medicine, general pediatrics,"; and

(4) in subsection (l)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1997".

SEC. 207. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to support primary birth-defect prevention, including information and education to the public on the prevention of such defects;

"(3) to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects;

"(4) to carry out demonstration projects for the prevention of such defects; and

"(5) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, African Americans, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 208. HEALTHY START FOR INFANTS.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Part D of title III of the Public Health Service Act (42 U.S.C 254b et seq.), as amended by section 104 of Public Law 103–183 (107 Stat. 2230), is amended in the heading for subpart VIII by striking "Bulk" and all that follows and inserting the following: "Miscellaneous Provisions Regarding Primary Health Care". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) HEALTHY START FOR INFANTS.—Part D of title III of the Public Health Service Act, as amended by subsection (a) of this section, is amended by adding at the end of subpart VIII the following section:

"HEALTHY START FOR INFANTS

"SEC. 340E. (a) GRANTS FOR COMPREHENSIVE SERVICES.—

"(1) IN GENERAL.—The Secretary may make grants for the operation of not more than 19 demonstration projects to provide the services described in subsection (b) for the purpose of reducing, in the geographic areas in which the projects are carried out—

"(A) the incidence of infant mortality and morbidity;

"(B) the incidence of fetal deaths;

"(C) the incidence of maternal mortality;

"(D) the incidence of fetal alcohol syndrome; and

"(E) the incidence of low-birthweight births.

"(2) ACHIEVEMENT OF YEAR 2000 HEALTH STATUS OBJECTIVES.—With respect to the objectives established by the Secretary for the health status of the population of the United States for the year 2000, the Secretary shall, in providing for a demonstration project under paragraph (1) in a geographic area, seek to meet the objectives that are applicable to the purpose described in such paragraph and the populations served by the project.

"(b) AUTHORIZED SERVICES.—

"(1) IN GENERAL.—Subject to subsection (h), the services referred to in this subsection are comprehensive services (including preventive and primary health services for pregnant women and infants and childhood immunizations in accordance with the schedule recommended by the Secretary) for carrying out the purpose described in subsection (a), including services other than health services.

"(2) CERTAIN PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in making any arrangements under which other entities provide authorized services in the demonstration project involved, the applicant will include among the entities with which the arrangements are made grantees under any of sections 329, 330, 340, and 340A, if such grantees are providing services in the service area of such project and the grantees are willing to make such arrangements with the applicant.

"(c) ELIGIBLE GEOGRAPHIC AREAS.—The Secretary may make a grant under subsection (a) only if—

"(1) the applicant for the grant specifies the geographic area in which the demonstration project under such subsection is to be carried out and agrees that the project will not be carried out in other areas; and

"(2) for the fiscal year preceding the first fiscal year for which the applicant is to receive such a grant, the rate of infant mortality in the geographic area equals or exceeds 150 percent of the national average in the United States of such rates.

"(d) MINIMUM QUALIFICATIONS OF GRANTEES.—

"(1) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a State or local department of health, or other public or nonprofit private entity, or a consortium of public or nonprofit private entities.

"(2) APPROVAL OF POLITICAL SUBDIVISIONS.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection only if—

"(A) the chief executive officer of each political subdivision in the service area of such project approves the applicant for the grant as being qualified to carry out the project; and

"(B) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of such area so approves the applicant.

"(3) STATUS AS MEDICAID PROVIDER.—

"(A) In the case of any service described in subsection (b) that is available pursuant to the State plan approved under title XIX of the Social Security Act for a State in which a demonstration project under subsection (a) is carried out, the Secretary may make a grant under such subsection for the project only if, subject to subparagraph (B)—

"(i) the applicant for the grant will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or private entity under which the entity will provide the service, and the entity has entered into such a participation agreement under the State plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Secretary of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(e) STATE APPROVAL OF PROJECT.—With respect to a proposed demonstration project under subsection (a), the Secretary may make a grant under such subsection to the applicant involved only if—

"(1) the chief executive officer of the State in which the project is to be carried out approves the proposal of the applicant for carrying out the project; and

"(2) the leadership of any Indian tribe or tribal organization with jurisdiction over any portion of the service area of the project so approves the proposal.

"(f) ELIGIBILITY FOR SERVICES PROVIDED WITH GRANT FUNDS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees as follows:

"(1) With respect to any authorized service under subsection (b), if the service is a service that the State involved is required or has elected to provide under title XIX of the Social Security Act, the grant will not be expended to provide the service to any individual to whom the State is required or has elected under such title to provide the service.

"(2) The grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(A) under a health insurance policy or plan (including a group health plan or a prepaid health plan);

"(B) under any Federal or State health benefits program, including any program under title V, XVIII, or XIX of the Social Security Act; or

"(C) under subpart II of part B of title XIX of this Act.

"(g) MAINTENANCE OF EFFORT.—

"(1) GRANTEE.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if the applicant involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the applicant for fiscal year 1991.

"(2) RELEVANT POLITICAL SUBDIVISIONS.—With respect to authorized services under subsection (b), the Secretary may make a grant under subsection (a) only if each political subdivision in the service area of the demonstration project involved agrees to maintain expenditures of non-Federal amounts for such services at a level that is not less than the level of such expenditures maintained by the political subdivision for fiscal year 1991.

"(h) RESTRICTIONS ON EXPENDITURE OF GRANT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of health services or mental health services; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment (other than mobile medical units for providing ambulatory prenatal services).

"(2) ADMINISTRATIVE EXPENSES; DATA COLLECTION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that not more than an aggregate 10 percent of the grant will be expended for administering the grant and the collection and analysis of data.

"(3) WAIVER.—If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(C).

"(i) DETERMINATION OF CAUSE OF INFANT DEATHS.—The Secretary may make a grant under subsection (a) only if the applicant involved—

"(1) agrees to provide for a determination of the cause of each infant death in the service area of the demonstration project involved; and

"(2) the applicant has made such arrangements with public entities as may be necessary to carry out paragraph (1).

"(j) ANNUAL REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, for each fiscal year for which the applicant operates a demonstration project under such subsection the applicant will, not later than April 1 of the subsequent fiscal year, submit to the Secretary a report providing the following information with respect to the project:

"(1) The number of individuals that received authorized services, and the demographic characteristics of the population of such individuals.

"(2) The types of authorized services provided, including the types of ambulatory prenatal services provided and the trimester of the pregnancy in which the services were provided.

"(3) The sources of payment for the authorized services provided.

"(4) The extent to which children under age 2 receiving authorized services have received the appropriate number and variety of immunizations against vaccine-preventable diseases.

"(5) An analysis of the causes of death determined under subsection (i).

"(6) The extent of progress being made toward meeting the health status objectives specified in subsection (a)(2).

"(7) The extent to which, in the service area involved, progress is being made toward meeting the participation goals established for the State by the Secretary under section 1905(r) of the Social Security Act (relating to early periodic screening, diagnostic, and treatment services for children under the age of 21).

"(k) COMMUNITY PARTICIPATION.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in preparing the proposal of the applicant for the demonstration project involved, and in the operation of the project, the applicant will consult with the residents of the service area for the project and with public and nonprofit private entities that provide authorized services to such residents.

"(l) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(m) REPORT TO CONGRESS.—Not later than February 1, 1998, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report—

"(1) summarizing the reports received by the Secretary under subsection (j);

"(2) describing the extent to which the Secretary has, in the service areas of such projects, been successful in meeting the health status objectives specified in subsection (a)(2); and

"(3) describing the extent to which demonstration projects under subsection (a) have been cost effective.

"(n) LIMITATION ON CERTAIN EXPENSES OF SECRETARY.—Of the amounts appropriated under subsection (p) for a fiscal year, the Secretary may not obligate more than an aggregate 5 percent for the administrative costs of the Secretary in carrying out this section, for the provision of technical assistance regarding demonstration projects under subsection (a), and for evaluations of such projects.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means the services specified in subsection (b).

"(2) The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'service area', with respect to a demonstration project under subsection (a), means the geographic area specified in subsection (c).

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(q) SUNSET.—Effective October 1, 1997, this section is repealed.".

(b) CERTAIN PROVISIONS REGARDING REPORTS.—

(1) FISCAL YEAR 1995.—With respect to grants under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the Secretary of Health and Human Services may make a grant under such section for fiscal year 1995 only if the applicant for the grant agrees to submit to the Secretary, not later than April 1 of such year, a report on any federally-supported project of the applicant that is substantially similar to the demonstration projects authorized in such section 340E, which report provides, to the extent practicable, the information described in subsection (j) of such section.

(2) FISCAL YEAR 1997.—With respect to grants for fiscal year 1997 under section 340E of the Public Health Service Act (as added by subsection (b) of this section), the requirement under subsection (j) of such section that a report be submitted not later than April 1, 1998, remains in effect notwithstanding the repeal of such section pursuant to subsection (q) of such section.

(c) LAPSE OF FUNDS.—Effective October 1, 1997, all unexpended portions of amounts appropriated for grants under 340E of the Public Health Service Act (as added by subsection (b) of this section) are unavailable for obligation or expenditure, without regard to whether the amounts have been received by the grantees involved.

(d) USE OF GENERAL AUTHORITY UNDER PUBLIC HEALTH SERVICE ACT.—With respect to the program established in section 340E of the Public Health Service Act (as added by subsection (b) of this section), section 301 of such Act may not be construed as providing to the Secretary of Health and Human Services any authority to carry out, during any fiscal year in which such program is in operation, any demonstration project to provide any of the services specified in subsection (b) of such section 340E.

SEC. 209. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Director of the National Eye Institute, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to

the eye disorder known as diabetic retinopathy, activities regarding information, identification, dissemination, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that are at significant risk of contracting diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

TITLE III—HEALTH PROFESSIONS PROGRAMS

SEC. 301. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

(a) IN GENERAL.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended to read as follows:

"SEC. 736. PRIMARY CARE SCHOLARSHIPS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS.

"(a) IN GENERAL.—The Secretary may in accordance with this section award scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending schools of medicine or osteopathic medicine, schools of dentistry, schools of nursing (as defined in section 853), graduate programs in mental health practice, and programs for the training of physician assistants.

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is from a disadvantaged background.

"(2) The individual is enrolled (or accepted for enrollment) at an eligible school as a full-time student in a program leading to a degree in a health profession.

"(3) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide primary health services in a health professional shortage area designated under section 332).

"(c) PREFERENCES REGARDING AWARDS; SPECIAL CONSIDERATION.—In awarding scholarships under subsection (a), the Secretary shall—

"(1) give preference to eligible individuals for whom the costs of attending the school involved would constitute a severe financial hardship; and

"(2) give special consideration to eligible individuals who received scholarships pursuant to this section, section 737, or section 740(d)(2) for fiscal year 1993 or 1994 and are seeking scholarships for attendance at eligible schools that received a grant under any of such sections for any of such fiscal years.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means an individual described in subsection (b).

"(2) The term 'eligible school' means a school or program specified in subsection (a).

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 1995, $38,000,000 for fiscal year 1996, and $48,000,000 for fiscal year 1997. Such authorization is in addition to the authorization of appropriations established in section 740(e).

"(2) ALLOCATIONS BY SECRETARY.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available—

"(A) 20 percent for scholarships under subsection (a) for attendance at schools of nursing; and

"(B) 15 percent for scholarships under such subsection for attendance at graduate programs in mental health practice.".

(b) CERTAIN PROGRAMS OF OBLIGATED SERVICE.—

(1) REPEAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not terminate agreements that, on the day before the effective date under section 901, are in effect pursuant to section 795 of the Public Health Service Act. Such agreements continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services (whether provided pursuant to other agreements with the Federal Government or whether provided otherwise) counts toward satisfaction of the requirement of practice pursuant to such section 795.

SEC. 302. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

(a) RELEVANT HEALTH PROFESSIONS SCHOOLS.—Section 737(a)(3) of the Public Health Service Act (42 U.S.C. 293a(a)(3)) is amended—

(1) by striking "medicine," and all that follows through "dentistry,"; and

(2) by striking "allied health," and all that follows and inserting "allied health.".

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Section 737(a)(2) of the Public Health Service Act (42 U.S.C. 293a(a)(2)) is amended to read as follows:

"(2) ELIGIBLE INDIVIDUALS.—An individual referred to in paragraph (1) is any individual meeting the following conditions:

"(A) The individual is from a disadvantaged background.

"(B) The individual is enrolled (or accepted for enrollment) as a full-time student in a health professions school specified in paragraph (3).

"(C) The individual enters into the contract required pursuant to subsection (e) as a condition of receiving the scholarship under paragraph (1) (relating to an agreement to provide services).".

(2) CERTAIN REQUIREMENT.—Section 737 of the Public Health Service Act (42 U.S.C. 293a) is amended—

(A) in subsection (a)(1), by striking "subsection (e)" and inserting "subsection (f)";

(B) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(C) by inserting after subsection (d) the following subsection:

"(e) APPLICABILITY OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Except as inconsistent with this section, and subject to paragraph (2), the provisions of subpart III of part D of title III apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A. This section shall be carried out by the bureau that administers such subpart III.

"(2) CERTAIN INDIVIDUALS.—

"(A) In the case of an individual who receives a scholarship under subsection (a) for attendance at a school of veterinary medicine, the contract referred to in subsection (a)(2)(C) is a contract under which the individual agrees that, after completing training in such medicine, the individual will, in accordance with requirements established under subparagraph (B), conduct or assist in the conduct of research regarding human health or safety. Except as inconsistent with this section, the provisions specified in paragraph (1) with respect to title III apply to such a scholarship to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

"(B) The Secretary shall establish requirements regarding contracts under subparagraph (A).".

(c) FUNDING.—Section 737(i) of the Public Health Service Act, as redesignated by subsection (b)(2) of this section, is amended—

(1) in paragraph (1), by inserting before the period the following: ", and $6,000,000 for each of the fiscal years 1994 through 1997"; and

(2) in paragraph (2)(A), by striking "30 percent" and all that follows and inserting the following: "50 percent for such grants to schools of allied health; and".

SEC. 303. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

(a) LOAN REPAYMENTS.—Section 738(a) of the Public Health Service Act (42 U.S.C. 293b(a)) is amended—

(1) by striking paragraphs (4) and (6);

(2) by redesignating paragraphs (5) and (7) as paragraphs (4) and (5), respectively; and

(3) in paragraph (4) (as so redesignated), by amending subparagraph (B) to read as follows:

"(B) the contract referred to in subparagraph (A) provides that the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING LOAN REPAYMENTS AND FELLOWSHIPS.—Section 738(c) of the Public Health Service Act (42 U.S.C. 293b(c)) is amended by striking "there is" and all that follows and inserting the following: "there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.".

SEC. 304. CENTERS OF EXCELLENCE.

(a) REFERENCES TO SCHOOLS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c) is amended—

(1) by striking "health professions schools" each place such term appears and inserting "designated health professions schools"; and

(2) by striking "health professions school" each place such term appears and inserting "designated health professions school".

(b) REQUIRED USES OF FUNDS.—Section 739(b) of the Public Health Service Act (42 U.S.C. 293c(b)), as amended by subsection (a), is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as so redesignated) the following paragraph:

"(1) to collaborate with public and nonprofit private entities to carry out community-based programs to recruit students of secondary schools and institutions of higher education and to prepare the students academically for pursuing a career in the health professions;";

(4) in paragraph (5)—

(A) by striking "faculty and student research" and inserting "student research"; and

(B) by inserting before the period the following: ", including research on issues relating to the delivery of health care"; and

(5)(A) in paragraph (4), by striking "and" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(6) to carry out a program to train students of the school in providing health services

through training provided at community-based health facilities that provide such services to a significant number of disadvantaged individuals and that are located at a site remote from the main site of the teaching facilities of the school.".

(c) REQUIREMENTS REGARDING CONSORTIA.—

(1) IN GENERAL.—Section 739(c)(1) of the Public Health Service Act (42 U.S.C. 293c(c)(1)), as amended by subsection (a), is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "specified in subparagraph (B)" and inserting "specified in subparagraphs (B) and (C)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following subparagraph:

"(C) The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health professions school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium. The grant involved may be expended with respect to the other schools without regard to whether such schools meet the conditions specified in subparagraph (B).".

(2) CERTAIN REQUIREMENTS.—Section 739(e) of the Public Health Service Act (42 U.S.C. 293c(e)), as amended by subsection (a), is amended to read as follows:

"(e) PROVISIONS REGARDING CONSORTIA.—

"(1) REQUIREMENTS.—For purposes of subsection (c)(1)(C), a consortium of schools has been formed in accordance with this subsection if—

"(A) the consortium consists of—

"(i) the designated health professions school seeking the grant under subsection (a); and

"(ii) 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section.

"(2) AUTHORITY REGARDING NATIVE AMERICANS CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(A) the school has formed a consortium in accordance with paragraph (1); and

"(B) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.".

(3) CONFORMING AMENDMENTS.—Section 739 of the Public Health Service Act (42 U.S.C. 293c), as amended by subsection (a), is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by inserting ", subject to subsection (c)(1)(C)," after "agrees"; and

(B) in subsection (d)—

(i) in paragraph (3), by striking "(e)" and inserting "(e)(2)"; and

(ii) by adding at the end the following paragraph:

"(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3) regarding a consortium under subsection (e)(2), a health professions school that does not meet the conditions specified in subsection (c)(1)(B) may not be designated as a center of excellence for purposes of this section. The preceding sentence applies without regard to whether a grant under subsection (a) is, pursuant to subsection (c)(1)(C), being expended with respect to the school.".

(d) DEFINITION OF HEALTH PROFESSIONS SCHOOL.—

(1) GRADUATE PROGRAMS IN MENTAL HEALTH PRACTICE.—Section 739(h)(1)(A) of the Public Health Service Act (42 U.S.C. 293c(h)(1)(A)), as amended by subsection (a), is amended by—

(A) by striking "or" after "dentistry"; and

(B) by inserting before the period the following: ", or a graduate program in mental health practice".

(2) LIMITATION.—During the fiscal years 1995 through 1997, the Secretary of Health and Human Services may not make more than one grant under section 739 of the Public Health Service Act directly to a graduate program in mental health practice (as defined in section 799 of such Act).

(e) FUNDING.—Section 739(i) of the Public Health Service Act (42 U.S.C. 293c(i)), as amended by subsection (a), is amended to read as follows:

"(i) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $28,000,000 for fiscal year 1995, $30,000,000 for fiscal year 1996, and $32,000,000 for fiscal year 1997.

"(2) ALLOCATIONS BY SECRETARY.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 65 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)(2)).

"(C)(i) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 35 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

"(ii) With respect to a fiscal year, a grant under subsection (a) that includes amounts available under subparagraph (A) may not include amounts available under clause (i) unless each of the following conditions is met:

"(I) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(3), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(II) In the case of amounts available under subparagraph (B) or clause (i) and included in grants made pursuant to subsection (c)(4), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(III) In the case of amounts available under clause (i) and included in grants made pursuant to subsection (c)(5) (exclusive of grants that include amounts available under subparagraph (A) or (B)), the aggregate number of such grants is not less than such aggregate number for the preceding fiscal year, and one or more of such grants is made in an amount that is not less than the lowest amount among grants made from amounts available under subparagraph (A).

"(IV) The aggregate amount of grants under subsection (a) made from amounts available under subparagraph (B) and clause (i) (other than grants that include amounts available under subparagraph (A)) is, in the case of fiscal year 1995, not less than the sum of such aggregate amount for fiscal year 1994 and the total amount by which grants are required under subclauses (I) through (III) to be increased; and is, in the case of fiscal year 1996 and each subsequent fiscal year, not less than such aggregate amount for the preceding fiscal year.".

(f) CONFORMING AMENDMENTS.—Section 739(c) of the Public Health Service Act (42 U.S.C. 293c(c)), as amended by subsection (a), is amended—

(1) in paragraph (3)(B), by striking "the designated health professions school" and inserting "the school"; and

(2) in paragraph (4), in each of subparagraphs (B) and (C), by striking "the designated health professions school" and inserting "the school".

(g) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) IN GENERAL.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the Secretary of Health and Human Services shall, during the period specified in paragraph (2), waive any or all of the additional requirements established pursuant to this section for the receipt or expenditure of such a grant, subject to the entity providing assurances satisfactory to the Secretary that the entity is making progress toward meeting such requirements.

(2) RELEVANT PERIOD.—In the case of any entity receiving a grant under section 739 of the Public Health Service Act for fiscal year 1994, the period referred to in paragraph (1) is the period that, in first approving the grant, the Secretary specified as the duration of the grant.

SEC. 305. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 293d) is amended to read as follows:

"SEC. 740. ASSISTANCE REGARDING HEALTH PROFESSIONS AS CAREER CHOICE.

"(a) IN GENERAL.—

"(1) ACADEMIC PREPARATION OF STUDENTS.—Subject to the provisions of this section, the Secretary may make grants and enter into contracts for purposes of—

"(A) identifying individuals who—

"(i) are students of elementary schools, or students or graduates of secondary schools or of institutions of higher education;

"(ii) are from disadvantaged backgrounds; and

"(iii) are interested in a career in the health professions; and

"(B) providing to such individuals academic assistance, counseling, and other services to prepare the students to meet the academic requirements for entry into health professions schools.

"(2) RECIPIENTS OF GRANTS AND CONTRACTS.—The Secretary may make an award of a grant or contract under paragraph (1) only if the applicant for the award is a nonprofit private community-based organization or other public or nonprofit private entity. Such other entities include schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, and include graduate programs in mental health practice.

"(3) CERTAIN USES OF AWARDS.—The purposes for which the Secretary may authorize an award under paragraph (1) to be expended include the following:

"(A) Assisting elementary and secondary schools and institutions of higher education in developing or improving programs to prepare

students to meet the academic requirements for entry into health professions schools.

"(B) Establishing arrangements with nonprofit private community-based providers of primary health services under which students are provided with opportunities to visit or work at facilities of such providers and gain experience regarding a career in a field of primary health care.

"(C) Developing or improving programs to enhance the academic preparation of advanced, prehealth professions students or postbaccalaureate individuals to successfully enter a health professions school.

"(D) In the case of an award under paragraph (1) that the Secretary has authorized to be expended for the purpose described in subparagraph (B) or (C), paying such stipends as the Secretary may approve for individuals from disadvantaged backgrounds for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount of $25 per day (notwithstanding any other provision of law regarding the amount of stipends).

"(b) MINIMUM REQUIREMENTS FOR AWARDS.—

"(1) ASSURANCES REGARDING FINANCIAL CAPACITY.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant provides assurances satisfactory to the Secretary that, with respect to the activities for which the award is to be made, the applicant has or will have the financial capacity to continue the activities after the eligibility of the applicant for such awards for such activities is terminated pursuant to subsection (d).

"(2) COLLABORATION AMONG VARIOUS ENTITIES.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant for the award has entered into an agreement with any schools, institutions, community-based organizations, or other entities with which the applicant will collaborate in carrying out activities under the award, and the agreement specifies whether and to what extent the award will be allocated among the applicant and the entities.

"(3) MATCHING FUNDS.—

"(A) With respect to the costs of the activities to be carried out under subsection (a) by an applicant, the Secretary may make an award of a grant or contract under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities), in cash, non-Federal contributions toward such costs in an amount that—

"(i) for any second fiscal year for which the applicant receives such a grant, is not less than 20 percent of such costs;

"(ii) for any third such fiscal year, is not less than 20 percent of such costs;

"(iii) for any fourth such fiscal year, is not less than 40 percent of such costs;

"(iv) for any fifth such fiscal year, is not less than 60 percent of such costs; and

"(v) for any sixth or subsequent such fiscal year, is not less than 80 percent of such costs.

"(B) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions required in subparagraph (A).

"(C) The Secretary may not require non-Federal contributions for the first fiscal year for which an applicant receives a grant under subsection (a).

"(c) PREFERENCE IN MAKING AWARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), in making awards of grants and contracts under subsection (a), the Secretary shall give preference to any applicant that has made an arrangement with 1 or more elementary schools, an arrangement with 1 or more secondary schools, an arrangement with 1 or more institutions of higher education, an arrangement with 1 or more health professions schools, and an arrangement with 1 or more community-based organizations, the purpose of which arrangements is to establish a program as follows:

"(A) With respect to the elementary schools involved, the program carries out the purposes described in subsection (a)(1).

"(B) After a student identified pursuant to paragraph (1) enters the secondary school involved, the program continues to carry out such purposes with respect to the student.

"(C) After graduating from the secondary school, the student enters the institution of higher education involved, subject to meeting reasonable academic requirements, and the program continues to carry out such purposes with respect to the student.

"(D) After graduating from the institution of higher education, the student enters the health professions school involved, subject to meeting reasonable academic requirements.

"(2) REQUIREMENT REGARDING SCHOOLS AND INSTITUTIONS.—For purposes of paragraph (1), an applicant may not receive preference unless the schools or institutions with which arrangements have been made are schools or institutions whose enrollment of students includes a significant number of individuals from disadvantaged backgrounds.

"(d) LIMITATION ON YEARS OF FUNDING FOR PARTICULAR ACTIVITIES.—With respect to a particular activity carried out under paragraph (1) or (3) of subsection (a) by an entity, the Secretary may not, for the activity involved, provide more than 6 years of financial assistance under such subsection to the entity.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 736, there are authorized to be appropriated $32,000,000 for fiscal year 1995, $36,000,000 for fiscal year 1996, and $38,000,000 for fiscal year 1997.

"(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than 20 percent for carrying out subsection (a)(3)(B) and not less than 20 percent for providing scholarships under section 736.".

(b) TRANSITIONAL AND SAVINGS PROVISION.—In the case of an entity that received an award of a grant or contract for fiscal year 1994 under section 740 of the Public Health Service Act, the Secretary of Health and Human Services may continue in effect the award in accordance with the terms of the award, subject to the duration of the award not exceeding the period determined by the Secretary in first approving the award. The preceding sentence applies notwithstanding the amendment made by subsection (a) of this section.

SEC. 306. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

SEC. 307. FEDERALLY-SUPPORTED STUDENT LOAN FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN MEDICAL SCHOOLS.—

(1) IN GENERAL.—Subpart II of part A of title VII of the Public Health Service Act (42 U.S.C. 292q et seq.) is amended—

(A) by transferring subsection (f) of section 735 from the current placement of the subsection;

(B) by adding the subsection at the end of section 723;

(C) by redesignating the subsection as subsection (e); and

(D) in subsection (e)(1) of section 723 (as so redesignated), by striking "1996" and inserting "1997".

(2) CONFORMING AMENDMENTS.—Section 723 of the Public Health Service Act (42 U.S.C. 292s), as amended by paragraph (1) of this subsection, is amended in subsection (e)(2)(A)—

(A) by striking "section 723(b)(2)" and inserting "subsection (b)(2)"; and

(B) by striking "such section" and inserting "such subsection".

(b) AUTHORIZATION OF APPROPRIATIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), other than the student loan fund of any school of medicine or osteopathic medicine, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1995 through 1997.".

TITLE IV—RESEARCH

SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 of the Public Health Service Act (42 U.S.C. 283(b)) is amended by adding at the end the following subsections:

"(c) PLAN.—Subject to applicable law, the Director of the Office, in consultation with the advisory committee established under subsection (d), shall develop and implement a plan for carrying out the duties established in subsection (b). The Director shall review the plan not less than annually, and revise the plan as appropriate.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Committee').

"(2)(A) The Committee shall be composed of nonvoting, ex officio members designated in accordance with subparagraph (B) and voting members appointed in accordance with subparagraph (C).

"(B) The Secretary shall designate as ex officio members of the Committee the Directors of each of the national research institutes and the Deputy Assistant Secretary for Minority Health (except that any of such officials may designate another officer or employee of the office or agency involved to serve as a member of the Committee in lieu of the official).

"(C) The Director of the Office shall appoint as voting members of the Committee not fewer than 12 and not more than 18 individuals who are not officers or employees of the Federal Government. The appointments shall be made from among scientists and health professionals whose clinical practice, research specialization, or professional expertise includes significant expertise in research on minority health. The appointed membership of the Advisory Committee shall be

broadly representative of the various minority groups.

"(3) The Director of the Office shall serve as the chair of the Committee.

"(4) The Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5)(A) The Advisory Committee shall prepare biennial reports describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) Each report under subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403 for the period involved.

"(e) REPRESENTATION OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which the various minority groups are represented among administrators, senior physicians, and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) REQUIREMENT REGARDING GRANTS AND CONTRACTS.—Any award of a grant, cooperative agreement, or contract that the Director of the Office is authorized to make shall be made only on a competitive basis.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient clinical research involving such individuals as subjects or insufficient clinical data on such individuals.

"(2) The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) The term 'minority groups' has the meaning given such term in section 1707(h).".

SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by amending subsection (b) to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly."; and

(2) in section 926(a), by adding at the end the following sentence: "Of the amounts appropriated under the preceding sentence for a fiscal year, the Administrator shall reserve not less than 8 percent for carrying out section 902(b)(2).".

SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not less than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups.".

TITLE V—NATIVE HAWAIIAN HEALTH CARE

SEC. 501. CLARIFICATION OF 1992 AMENDMENTS.

(a) CLARIFICATION OF DATE OF PASSAGE.—Section 9168 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1948) is amended by striking "September 12, 1992," and inserting "August 7, 1992,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 6, 1992.

SEC. 502. AMENDMENT OF NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT TO REFLECT 1992 AGREEMENT.

Effective on the date of enactment of this Act, the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.

"(a) FINDINGS.—The Congress finds that—

"(1) the United States retains the legal responsibility to enforce the administration of the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians under section 5(f) of Public Law 86–3 (73 Stat. 6; commonly referred to as the 'Hawaii Statehood Admissions Act');

"(2) in furtherance of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians, contributions by the United States to the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of Native Hawaiians are consistent with the historical and unique legal relationship of the United States with the government that represented the indigenous native people of Hawaii; and

"(3) it is the policy of the United States to raise the health status of Native Hawaiians to the highest possible level and to encourage the maximum participation of Native Hawaiians in order to achieve this objective.

"(b) DECLARATION OF POLICY.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(c) INTENT OF CONGRESS.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce stroke deaths to no more than 20 per 100,000.

"(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

"(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

"(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

"(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

"(10) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease to no more than 1.4 in 1,000.

"(B) Blindness to no more than 1.4 in 1,000.

"(C) Lower extremity amputation to no more than 4.9 in 1,000.

"(D) Perinatal mortality to no more than 2 percent.

"(E) Major congenital malformations to no more than 4 percent.

"(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

"(12) Reduce low birth weight to no more than 5 percent of live births.

"(13) Increase first trimester prenatal care to at least 90 percent of live births.

"(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

"(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

"(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

"(17) Increase years of healthy life to at least 65 years.

"(18) Eliminate financial barriers to clinical preventive services.

"(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

"(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

"(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

"(23) Increase moderate daily physical activity to at least 30 percent of the population.

"(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

"(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

"(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

"(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

"(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

"(29) Reduce initiation of smoking to no more than 15 percent by age 20.

"(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

"(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

"(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

"(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

"(34) Confine HIV infection to no more than 800 per 100,000.

"(35) Reduce gonorrhea infections to no more than 225 per 100,000.

"(36) Reduce syphilis infections to no more that 10 per 100,000.

"(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

"(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals age 25 and younger to 0.

"(B) Tetanus among individuals age 25 and younger to 0.

"(C) Polio (wild-type virus) to 0.

"(D) Measles to 0.

"(E) Rubella to 0.

"(F) Congenital Rubella Syndrome to 0.

"(G) Mumps to 500.

"(H) Pertussis to 1,000.

"(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(d) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c).

"SEC. 3. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians. The master plan shall be based upon an assessment of the health care status and health care needs of Native Hawaiians. To the extent practicable, assessments made as of the date of such grant or contract shall be used by Papa Ola Lokahi, except that any such assessment shall be updated as appropriate.

"SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

"(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—(1)(A) The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians.

"(B) In making grants and entering into contracts under this paragraph, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations, and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.

"(2) In addition to paragraph (1), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.

"(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.

"(c) SERVICES TO BE PROVIDED.—(1) Each recipient of funds under subsection (a)(1) shall provide the following services:

"(A) Outreach services to inform Native Hawaiians of the availability of health services.

"(B) Education in health promotion and disease prevention of the Native Hawaiian population by (wherever possible) Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.

"(C) Services of physicians, physicians' assistants, or nurse practitioners.

"(D) Immunizations.

"(E) Prevention and control of diabetes, high blood pressure, and otitis media.

"(F) Pregnancy and infant care.

"(G) Improvement of nutrition.

"(2) In addition to the mandatory services under paragraph (1), the following services may be provided pursuant to subsection (a)(1):

"(A) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.

"(B) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.

"(C) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 10, which are not specifically referred to in paragraph (1) of this subsection.

"(3) The health care services referred to in paragraphs (1) and (2) which are provided under grants or contracts under subsection (a)(1) may be provided by traditional Native Hawaiian healers.

"(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems.

"(e) MATCHING FUNDS.—(1) The Secretary may not make a grant or provide funds pursuant to a contract under subsection (a)(1) to an entity—

"(A) in an amount exceeding 75 percent of the costs of providing health services under the grant or contract; and

"(B) unless the entity agrees that the entity will make available, directly or through donations to the entity, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under paragraph (2)) for each $3 of Federal funds provided in such grant or contract.

"(2) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining the amount of such non-Federal contributions.

"(3) The Secretary may waive the requirement established in paragraph (1) if—

"(A) the entity involved is a nonprofit private entity described in subsection (b); and

"(B) the Secretary, in consultation with Papa Ola Lokahi, determines that it is not feasible for the entity to comply with such requirement.

"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

"(1) for any purpose other than the purposes described in subsection (c);

"(2) to provide inpatient services;

"(3) to make cash payments to intended recipients of health services; or

"(4) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant, or enter into a contract with, an entity under subsection (a)(1) unless the entity agrees that, whether health services are provided directly or through contract—

"(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and

"(2) the entity will impose a charge for the delivery of health services, and such charge—

"(A) will be made according to a schedule of charges that is made available to the public, and

"(B) will be adjusted to reflect the income of the individual involved.

"SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

"(a) FUNCTIONS.—Papa Ola Lokahi shall—

"(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

"(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

"(3) provide for the training of the persons described in section 4(c)(1)(B);

"(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

"(5) serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification of and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications; and

"(D) the timely dissemination of information relating to Native Hawaiian health care systems;

"(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

"(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

"(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

"(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

"(1) carrying out the functions described in subsection (a); and

"(2) administering any special project funds received under the authority of subsection (b).

"(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.

"SEC. 6. ADMINISTRATION OF GRANTS AND CONTRACTS.

"(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.

"(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

"(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;

"(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

"(3) with respect to providing health services to any population of Native Hawaiians a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan;

"(4) with respect to health services that are covered in the plan of the State of Hawaii approved under title XIX of the Social Security Act—

"(A) if the entity will provide under the grant or contract any such health services directly—

"(i) the entity has entered into a participation agreement under such plan; and

"(ii) the entity is qualified to receive payments under such plan; and

"(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under such plan; and

"(ii) the organization is qualified to receive payments under such plan; and

"(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the utilization and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.

"(d) CONTRACT EVALUATION.—(1) If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 4, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such entity and is authorized to enter into a contract under section 4 with another entity referred to in section 4(b) that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this subsection.

"(2) In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of evaluation under this section.

"(3) All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).

"(4) Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.

"(e) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Except for grants and contracts under section 5(c), the Secretary may not make a grant to, or enter into a contract with, an entity under this Act unless the entity agrees that the entity will not expend more than 10 percent of amounts received pursuant to this Act for the purpose of administering the grant or contract.

"(f) REPORT.—(1) For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi a quarterly report on—

"(A) activities conducted by the entity under the grant or contract;

"(B) the amounts and purposes for which Federal funds were expended; and

"(C) such other information as the Secretary may request.

"(2) The reports and records of any entity which concern any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of Health and Human Services, and the Comptroller General of the United States.

"(g) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.

"SEC. 7. ASSIGNMENT OF PERSONNEL.

"(a) IN GENERAL.—The Secretary is authorized to enter into an agreement with any entity under which the Secretary is authorized to assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.

"(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under the authority of subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

"SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

"(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

"(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)); and

"(2) are Native Hawaiians.

"(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), except that—

"(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

"(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate; and

"(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

"(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

"(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

"(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

"(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

"SEC. 9. REPORT.

"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).

"SEC. 10. DEFINITIONS.

"For purposes of this Act:

"(1) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations,

"(B) control of high blood pressure,

"(C) control of sexually transmittable diseases,

"(D) prevention and control of diabetes,

"(E) control of toxic agents,

"(F) occupational safety and health,

"(G) accident prevention,

"(H) fluoridation of water,

"(I) control of infectious agents, and

"(J) provision of mental health care.

"(2) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome,

"(B) cessation of tobacco smoking,

"(C) reduction in the misuse of alcohol and drugs,

"(D) improvement of nutrition,

"(E) improvement in physical fitness,

"(F) family planning, and

"(G) control of stress.

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) birth records of the State of Hawaii.

"(4) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian health center' means an entity—

"(A) which is organized under the laws of the State of Hawaii,

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable,

"(C) which is a public or nonprofit private entity, and

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—

"(A) which serves the interests of Native Hawaiians,

"(B) which is—

"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians, and

"(ii) certified by Papa Ola Lokahi as having the qualifications and capacity to provide the services, and meet the requirements, under the contract the organization enters into with, or grant the organization receives from, the Secretary under this Act,

"(C) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health services, and

"(D) which is a public or nonprofit private entity.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

"(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

"(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4.

"(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like Inc.;

"(iv) the University of Hawaii;

"(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

"(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

"(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

"(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

"(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

"(x) Hui Malama Ola Na'Oiwi or a health care system serving the island of Hawaii; and

"(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

"(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.

"(8) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—

"(A) services of physicians, physicians' assistants and nurse practitioners;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care;

"(F) preventive dental services; and

"(G) pharmaceutical services, as may be appropriate for particular health centers.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(10) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Hawaiian ancestry, and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals, and

"(B) whose knowledge, skills, and experience are based on a demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders, and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 11. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.

"SEC. 12. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority (described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"SEC. 13. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.

"SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

"Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this Act.".

SEC. 503. REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 206 of this Act, is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the enactment of this Act.

TITLE VI—WOMEN'S HEALTH

SEC. 601. ESTABLISHMENT OF OFFICE OF WOMEN'S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 704 of Public Law 103-183 (107 Stat. 2240), is amended by adding at the end the following section:

"OFFICE OF WOMEN'S HEALTH

"SEC. 1710. (a) IN GENERAL.—There is established an Office of Women's Health within the Office of the Assistant Secretary for Health. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Women's Health, who shall be the head of the Office of Women's Health. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

"(b) DUTIES.—

"(1) IN GENERAL.—The Secretary may conduct or support programs and activities regarding women's health conditions. In carrying out the preceding sentence, the Secretary shall—

"(A) monitor the programs and activities of the agencies specified in paragraph (2) in order to determine the extent to which the purposes of the programs and activities are being carried out with respect to women's health conditions (as defined in section 486);

"(B) provide advice to the heads of such agencies on improving programs and activities that relate to such conditions; and

"(C) coordinate such programs and activities of the agencies.

"(2) SPECIFIED AGENCIES.—For purposes of paragraph (1), the agencies referred to in this paragraph are the following:

"(A) The Centers for Disease Control and Prevention.

"(B) The National Institutes of Health.

"(C) The Agency for Health Care Policy and Research.

"(D) The Health Resources and Services Administration.

"(E) The Substance Abuse and Mental Health Services Administration.

"(F) The Food and Drug Administration.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 602. WOMEN'S SCIENTIFIC EMPLOYMENT REGARDING NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"WOMEN'S SCIENTIFIC EMPLOYMENT

"SEC. 404F. (a) IN GENERAL.—The Director of NIH shall—

"(1) establish policies for the National Institutes of Health on matters relating to the employment by such Institutes of women as scientists;

"(2) monitor the extent of compliance with such policies, including through the implementation of an accountability system under the Federal Equal Opportunity Recruitment Program; and

"(3) establish and maintain a process for responding to incidents of noncompliance with such policies.

"(b) CERTAIN POLICIES.—In establishing policies under subsection (a)(1), the Director of NIH shall provide for the following policies regarding the employment of women as scientists at the National Institutes of Health:

"(1) A policy on the granting of tenured status.

"(2) A policy on family leave.

"(3) A policy on the recruitment of minority women.

"(4) A policy on the inclusion of women scientists in intramural and extramural conferences, workshops, international congresses, and similar events funded or sponsored by such Institutes.

"(c) AVAILABILITY OF POLICIES.—The Director of NIH shall ensure that copies of policies established under subsection (a) are available to scientists of the National Institutes of Health.

"(d) DEFINITION.—For purposes of this section, the term 'Federal Equal Opportunity Recruitment Program' means the program carried out under part 720 of title 5, Code of Federal Regulations (5 CFR 720).".

(b) STUDIES.—

(1) PAY EQUITY.—The Director of the National Institutes of Health shall provide for a study to identify any pay differences among men and women scientists employed (both tenured and untenured) by the National Institutes of Health. The study shall include recommendations on measures to adjust any inequities, and on making available information on salary ranges to all scientists of such Institutes.

(2) STUDY ON TERMINATION OF EMPLOYMENT.—The Comptroller General of the United States shall conduct a study for the purpose of determining the reasons underlying the employment termination of scientists of the National Institutes of Health. The study shall be carried out with respect to male and female scientists, and with respect to voluntary and involuntary terminations.

(3) REPORTS.—Not later than 240 days after the date of the enactment of this Act, the studies required in this subsection shall be completed, and reports describing the findings and recommendations of the studies shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 603. INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the Deputy Assistant Secretary for Women's Health and the Deputy Assistant Secretary for Minority Health collaborate for the purpose of carrying out the following activities:

(1) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(b) DEFINITION.—For purposes of this section, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

SEC. 604. STUDY REGARDING CURRICULA OF MEDICAL SCHOOLS AND WOMEN'S HEALTH CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall conduct a study for the purpose of determining the contents of the curriculum of schools of medicine and osteopathic medicine and whether such curriculum provides adequate education to students on women's health conditions.

(b) CONSULTATIONS.—The Secretary shall carry out subsection (a) in consultation with the Deputy Assistant Secretary for Women's Health and the Director of the Office of Research on Women's Health (of the National Institutes of Health).

(c) REPORT.—Not later than April 1, 1995, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study and containing any recommendations of the Secretary regarding such findings.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "women's health conditions" has the meaning given such term in section 486 of the Public Health Service Act.

TITLE VII—TRAUMATIC BRAIN INJURY

SEC. 701. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) TECHNICAL CORRECTION REGARDING AMENDATORY INSTRUCTIONS.—Section 301(a) of Public Law 103–183 (107 Stat. 2233) is amended by striking "(42 U.S.C. 242 et seq.)" and inserting "(42 U.S.C. 243 et seq.)". The amendment made by the preceding sentence is deemed to have taken effect immediately after the enactment of Public Law 103–183.

(b) PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended pursuant to subsection (a) and as amended by section 703 of Public Law 103–183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 702. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 703. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 704. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidences of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. TECHNICAL AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.

The last sentence of section 818(e)(3) of the Indian Health Care Improvement Act (25 U.S.C. 1680h(e)(3)) is amended—

(1) by striking "services," and inserting "services"; and

(2) by striking ", shall be recoverable." and inserting a period.

SEC. 802. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (5) and (6);

(B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(C) in paragraph (2)—

(i) by inserting "substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems"; and

(D) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end and inserting a semicolon; and

(2) in subsection (f)—

(A) by striking "There is" and inserting "There are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for each of the fiscal years 1995 through 1997".

SEC. 803. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 804. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 701 of this Act, is amended by inserting after section 317G the following section:

"MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

"SEC. 317H. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such

programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(b) EFFECTIVE DATE.—This section takes effect July 1, 1994.

SEC. 805. ESTABLISHMENT OF PUBLIC HEALTH ANALYTICAL LABORATORY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention or through other agencies, may make a grant for the establishment and operation of a laboratory to protect the public health through analyzing human, wildlife, air, water, and soil samples. The laboratory shall be established within the United States at the central point of the international border between the United States and Mexico (as determined by such Secretary), and the laboratory shall serve the border region.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for fiscal year 1995 and each subsequent fiscal year.

SEC. 806. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 807. REVISIONS TO ELIGIBILITY REQUIREMENTS FOR ENTITIES SUBJECT TO DRUG PRICING LIMITATIONS.

(a) TREATMENT OF CERTAIN OUTPATIENT CLINICS AS COVERED ENTITIES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following subparagraph:

"(M) A diagnostic and treatment center owned and operated by the New York City Health and Hospitals Corporation.".

(b) LIMITATION ON EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—Section 340B(a)(4)(L) of the Public Health Service Act (42 U.S.C. 256b(a)(4)(L)) is amended—

(1) in clause (i), by striking "under this title" and inserting "under title XIX of such Act"; and

(2) in clause (iii), by inserting before the period at the end the following: ", other than the Health Services Purchasing Group under the control of Los Angeles County".

(c) CLARIFICATION OF EFFECTIVE DATE OF EXCLUSION BASED ON PARTICIPATION IN GROUP PURCHASING ORGANIZATION.—The Secretary of Health and Human Services may not find that the hospital system for the Dallas County Hospital District of Texas (commonly known as Parkland Memorial Hospital) fails to meet the requirements for a covered entity under paragraph (4)(L) of section 340B(a) of the Public Health Service Act solely because the hospital used a group purchasing organization or other group purchasing arrangement to obtain a covered outpatient drug before the effective date of the entity guidelines published by the Secretary pursuant to section 602 of the Veterans Health Care Act of 1992 if, at the time the hospital purchased the drug, the manufacturer of the drug did not offer to furnish the drug to the hospital at the price required to be paid for the drug under paragraph (1) of such section.

(d) EFFECTIVE DATES.—Subsections (a) and (b) take effect as if included in the enactment of the Veterans Health Care Act of 1992. Subsection (c) takes effect on the date of the enactment of this Act.

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect October 1, 1994, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: "An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes.".

Mr. REID. Madam President, I move that the Senate disagree to the House amendment, agree to the request for a conference, and that Chair be authorized to appoint conferees.

The PRESIDING OFFICER. If there is no objection, the several motions are agreed to.

The Presiding Officer appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM, and Mr. HATCH conferees on the part of the Senate.

AMENDING TITLE 11, D.C. CODE, TO CLARIFY THAT BLIND INDIVIDUALS ARE ELIGIBLE TO SERVE AS JURORS IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

AMENDING THE DISTRICT OF COLUMBIA SPOUSE EQUITY ACT OF 1988

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of H.R. 4205 and H.R. 3676, just received from the House; that the bills be deemed read three times, passed, and the motion to reconsider laid upon the table en bloc; and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 4205) to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

So the bill (H.R. 4205) was deemed read three times and passed.

The Senate proceeded to consider the bill (H.R. 3676) to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

So the bill (H.R. 3676) was deemed read three times and passed.

COMMENDING THE RAZORBACKS OF THE UNIVERSITY OF ARKANSAS FOR WINNING THE 1994 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 222, a resolution to congratulate the Arkansas Razorbacks for having won the 1994 NCAA men's basketball championship, introduced earlier today by Senators BUMPERS and PRYOR; that the resolution and preamble be agreed to and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 222) was deemed agreed to.

The preamble was agreed to.

The resolution (S. Res. 222), with its preamble, reads as follows:

SENATE RESOLUTION 222

Whereas the men's basketball team of the University of Arkansas at Fayetteville had an outstanding and successful season;

Whereas Arkansas Razorback Head Coach Nolan Richardson was the recipient of the 1994 Naismith Coach of the Year Award;

Whereas Arkansas Razorback Forward Corliss Williamson was named 1994 NCAA Final Four's Most Valuable Player;

Whereas the University of Arkansas and the Arkansas Razorbacks christened the newly erected Bud Walton Arena with their best season to date;

Whereas the Arkansas Razorbacks handed the Duke Blue Devils a 76–72 defeat, winning the 1994 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 National Collegiate Athletic Association Men's Basketball Championship.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on June 10, 1994, during the recess of the Senate, received the following message from the President, transmitting a nomination; which was referred to the Committee on Foreign Relations.

(The nomination received on Friday, June 10, 1994, is printed in today's RECORD at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE ADDITIONAL SANCTIONS REGARDING THE NATIONAL EMERGENCY WITH REGARD TO HAITI—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 124

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on June 10, 1994, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On October 4, 1991, pursuant to the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 *et seq.*) and section 301 of the National Emergencies ("NEA") (50 U.S.C. 1601 *et seq.*), President Bush exercised his statutory authority to issue Executive Order No. 12775 of October 4, 1991, declaring a national emergency and blocking Haitian government property.

On October 28, 1991, pursuant to the above authorities, President Bush exercised his statutory authority to issue Executive Order No. 12779 of October 28, 1991, blocking property of and prohibiting transactions with Haiti.

On June 30, 1993, pursuant to the above authorities, as well as the United Nations Participation Act of 1945, as amended ("UNPA") (22 U.S.C. 287c), I exercised my statutory authority to issue Executive Order No. 12853 of June 30, 1993, to impose additional economic measures with respect to Haiti. This latter action was taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under United Nations Security Council Resolution 841 of June 16, 1993.

On October 18, 1993, pursuant to the IEEPA and the NEA, I again exercised my statutory authority to issue Executive Order No. 12872 of October 18, 1993, blocking property of various persons with respect to Haiti.

On May 6, 1994, the United Nations Security Council adopted Resolution 917, calling on Member States to take additional measures to tighten the embargo against Haiti. On May 7, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12914 of May 7, 1994, to impose additional economic measures with respect to Haiti. On May 21, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12917 of May 21, 1994, to impose economic measures required by Resolution 917. These latter actions were taken, in part, to ensure that the economic measures taken by the United States with respect to Haiti would fulfill its obligations under the provisions of United Nations Security Council Resolution 917.

On June 10, 1994, pursuant to the above authorities, I exercised my statutory authority to issue Executive Order No. 12920 of June 10, 1994, prohibiting additional transactions with Haiti.

This new Executive order:

—prohibits payment or transfer of funds or other assets to Haiti from or through the United States or to or through the United States from Haiti, with exceptions for activities of the United States Government, the United Nations, the Organization of American States, or foreign diplomatic missions, certain payments related to humanitarian assistance in Haiti, limited family remittances, funds for travel-related expenses, and payments incidental to exempt shipments of food, medicine, medical supplies, and informational materials;

—prohibits the sale, supply, or exportation by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of any goods, technology, or services to Haiti or in connection with Haitian businesses, or activities by United States persons or in the United States that promote such sale, supply, or exportation, except for the sale, supply, or exportation of informational materials, certain foodstuffs, and medicines and medical supplies;

—prohibits any transaction that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions of this order; and

—authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to issue regulations implementing the provisions of the Executive order.

The new Executive order is necessary to tighten the embargo against Haiti with the goal of the restoration of democracy in that nation and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, under the framework of the Governors Island Agreement.

I am providing this notice to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)) and section 301 of the NEA (50 U.S.C. 1631). I am enclosing a copy of the Executive order that I have issued.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 10, 1994.*

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1993 annual report of the Federal Prevailing Rate Advisory Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 1994.*

MESSAGES FROM THE HOUSE

At 3:57, p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment; in which it requests the concurrence of the Senate.

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1015. An act to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better inform consumers of their rights under the Act, and to improve enforcement, and for other purposes.

H.R. 3013. An act to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs.

H.R. 4246. An act to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second time by unanimous consent, and referred as indicated:

H.R. 3013. An act to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 4246. An act to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the Calendar:

H.R. 1015. An act to amend the Fair Credit Reporting Act to assure the completeness and accuracy of consumer information maintained by credit reporting agencies, to better

inform consumers of their rights under the Act, and to improve enforcement, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2798. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2799. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2800. A communication from the Attorney General, transmitting notice of a resolution concerning the conduct of criminal investigations overseas; to the Committee on the Judiciary.

EC–2801. A communication from the Director (National Legislative Commission), of the American Legion, transmitting, pursuant to law, the report of financial statements for calendar year 1993; to the Committee on the Judiciary.

EC–2802. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2803. A communication from the Assistant Attorney General, transmitting a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

EC–2804. A communication from the Assistant Attorney General, transmitting a draft of proposed legislation relative to Bureau of Prisons community service projects; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2182. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 103–282).

By Mr. REID, from the Committee on Appropriations, with amendments:

H.R. 4454. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–283).

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute and an amendment to the title:

S. 1830. A bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Robert M. Parker of Texas, to be U.S. Circuit Judge for the Fifth Circuit;

Diana Gribbon Motz, of Maryland, to be U.S. Circuit Judge for the Fourth Circuit;

Denise Page Hood, of Michigan, to be District Judge for the Eastern District of Michigan;

Richard A. Paez, of California, to be District Judge for the Central District of California;

Paul L. Friedman, of the District of Columbia to be District Judge for the District of Columbia;

Gladys Kessler, of the District of Columbia to be District Judge for the District of Columbia;

Emmet G. Sullivan, of the District of Columbia, to be District Judge for the District of Columbia;

Richardo M. Urbina, of the District of Columbia to be District Judge for the District of Columbia; and

William F. Downes, of Wyoming, to be District Judge for the District of Wyoming;

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, for the Committee on Armed Services, I report favorably a list of naval officers, beginning Capt. Timothy Robert Beard to the rear admiral (lower half), which appeared in full in the CONGRESSIONAL RECORD of January 26, 1994. List reported minus one name: Capt. John Bramwell Padgett III.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. PACKWOOD (for himself, Mr. BAUCUS, and Mr. HATCH):

S. 2179. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

By Mr. HATCH:

S. 2180. A bill to define certain terms for purposes of the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (by request):

S. 2181. A bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NUNN:

S. 2182. An original bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mrs. HUTCHISON (for herself and Mr. ROBB):

S. 2183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE:

S. 2184. A bill to amend title 38, United States Code, to authorize the employment of social workers in the Veterans Health Administration on a fee basis; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2185. A bill to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old U.S. Mint in San Francisco, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2186. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 2187. A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgement against an annuitant for physically or sexually abusing a child; to the COMMITTEE ON GOVERNMENTAL AFFAIRS

By Mr. INOUYE (for himself and Mr. SIMON):

S. 2188. A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2189. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and force other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. WOFFORD):

S. 2190. A bill to direct the Office of Personnel Management to establish an interagency placement program for Federal employees affected by reduction in force actions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COCHRAN (for himself and Mr. LOTT):

Senate Joint Resolution 199. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. HEFLIN):

Senate Resolution 221. Resolution expressing the sense of the Senate regarding the

case of United States v. Knox; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself and Mr. PRYOR):

Senate Resolution 222. Resolution to commend the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 NCAA Men's Basketball Championship; considered and agreed to.

By Mr. INOUYE (for himself and Mr. SIMON):

Senate Resolution 223. Resolution to refer S. 2188 entitled "A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes," to the Chief Judge of the United States Court of Federal Claims for a report on the bill; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2180. A bill to define certain terms for purposes of the Federal Land Policy and Management Act of 1976, and for other purposes; to the Committee on Energy and Natural Resources.

LOCAL GOVERNMENT PLANNING INVOLVEMENT ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation to assist local government involvement in the land use planning activities of certain Federal agencies.

I have mentioned to my colleagues many times on this floor, most recently during consideration of S. 455, the Payments-In-Lieu-of-Taxes Act, that the overwhelming majority of Utah's land is managed by the Federal Government. In fact, according to the Bureau of Land Management [BLM], 70.2 percent of Utah's total acreage is owned by a Federal agency, such as the BLM, National Park Service, U.S. Forest Service, Fish and Wildlife Service, and Department of Defense.

Any Federal agency that needs real estate to perform its mission, more than likely, owns an acre of Utah land. A review of Utah's land ownership scenario resembles a checkerboard. This is typical of most Western States, with Federal land intermingled in every region with private and State lands. Many times, this situation breeds confrontation when the missions and activities of the various Federal agencies run counter to the activities of private citizens and local governments.

The Federal Land Policy and Management Act of 1976 [FLPMA] requires the Secretary of the Interior to undertake planning exercises for the management of our public lands. It is a thorough process that requires considerable time and effort on the part of agency officials. And, while the end product of these exercises may undergo considerable review and public scrutiny, the impacts can be far reaching for surrounding communities and engender controversy. In a State like Utah with significant public lands, the breadth and depth of these impacts can be startling.

The preparation of the Dixie Resource Management Plan [DRMP] by the BLM in southwestern Utah, primarily in Washington County, has brought this issue to the forefront. The situation in Washington County demonstrates why I believe changes in FLPMA—the law that gives Federal agencies the power to make decisions that will determine an area's economic future—are necessary.

Basically, the DRMP is a blueprint for the future uses of lands managed by the BLM in this designated area. I will not take my colleagues' time to discuss every detail related to the preparation of this DRMP, which has been in the works since 1987, but I will point out that this area of Utah confronts significant land use issues. These include rapid urban growth and expansion, retention and protection of public lands for cultural resources, riparian values, threatened and endangered species—specifically, the desert tortoise—scenic values, and recreational opportunities. The DRMP is also reviewing proposed water storage projects in the area, including conducting an inventory of all river segments eligible for designation as wild and scenic rivers.

As the BLM has developed the DRMP, several alternatives have been identified. Unfortunately, the majority of these alternatives are in substantial conflict with the needs identified by local residents and their elected officials, and these citizens have called for a new round of public scoping meetings to provide the BLM with constructive input on a plan that is consistent with the BLM's legal directives and meets local needs.

The Washington County Board of Commissioners and the Washington County Water Conservancy District have attempted during the past 2 years to review the supporting documentation used by the BLM to construct the DRMP and thus provide meaningful comments on the same to the agency as provided in section 202(c)(9) in FLPMA. These requests have been heard, but not adequately fulfilled.

In Iron County, UT, which is immediately north of Washington County, concerns are being raised regarding the potential impact of similar issues within that county, particularly the potential for designating rivers located on U.S. Forest Service lands as wild and scenic rivers. There are a myriad of other examples of Federal land use planning in my State. And, the key word here is "Federal." Too often, local interests and concerns are being paid lipservice or being ignored altogether.

My bill will modify FLPMA to provide more input by local entities in the land use planning process mandated by section 202. I use the word modify intentionally, because this legislation is not an effort to overhaul FLPMA. It does not represent an attempt to rewrite this major Federal law that, among other things, provides a blueprint for the management of Federal lands. It is an attempt to give key words used in the law further definition to ensure that the intent behind these key words is achieved.

For example, under this legislation, the term "local governmental entity" would include local political entities created or recognized pursuant to State law, including county commissions, special service districts, water districts, cities, towns, and regional and local government associations.

The other primary section of my bill further defines the word "coordinate," which is contained in section 202(c)(9) of FLPMA, that is now subject to the interpretation of the Secretary of the Interior. These interpretations have only caused controversy and conflict. In my opinion, the best way to avoid similar situations in the future is to qualify and expand the coordination activities that must be undertaken by the Secretary with State and local governments.

This legislation will require notification by the Secretary to the appropriate State or local official, including the Governor, of the intent to begin land use activities within that State or local area. Upon request of these leaders, State and local employees will be included in the inventory and planning activities of the Federal managers, and the plans, inventories, and other information related to these activities, including long- and short-term work plans, will be made available to these employees. Again, in this manner, the full intent behind section 202(c)(9) requiring coordination of Federal land use plans with the land use planning and management programs of the States and local governments within which the lands are located can be realized.

This bill does not give State and local governments overriding authority or veto power over Federal land use plans. Let me be clear about that. The Secretary will continue to develop these plans as required under law, obtaining input and comments from all interested parties as these plans are developed, and altering the plans where appropriate. This bill will not foreclose any party from participating in this process. However, FLPMA does expressly direct the Secretary to coordinate the activities involved in land use plans "to [an] extent consistent" with local land use plans. My legislation is designed to promote this directive so that consistent plans, local and Federal, are developed.

Mr. President, I believe these modifications to FLPMA are appropriate and consistent with the underlying purpose of the act to ensure the proper

and legal role of State and local governments in Federal land use planning activities. I encourage my colleagues to support this legislation.

By Mr. JOHNSTON (by request):

S. 2181. A bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

NORTHERN MARIANA ISLANDS CONSTRUCTION PROJECTS

• Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a bill to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

I ask unanimous consent that the bill, the communication, and an agreement of the special representatives on future Federal financial assistance for the Northern Mariana Islands which accompanied the proposal be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act of March 24, 1976 (Pub. L. 94–241, 90 Stat. 263), as amended, is amended by—

(1) adding the following section at the end thereof:

"SEC. 6. There are authorized to be appropriated for the Government of the Northern Mariana Islands for capital infrastructure $18,000,000 to become available on October 1, 1995, notwithstanding the first paragraph of section A of Part II and section B of Part III of the Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands, executed on December 17, 1992: Provided, that such amounts shall become available only to the extent that matching funds are provided, on a project-by-project basis, by the Government of the Northern Mariana Islands in the amounts of $9,000,000 for fiscal year 1995 and $18,000,000 for fiscal year 1996. No funds are authorized to be appropriated for the purposes of this Act for any fiscal year thereafter. Such federal assistance shall be provided through annual grants according to the remaining terms of such Agreement, except that the duration of the Agreement shall be two years."; and

(2) repealing section 4(b) upon enactment of appropriations to the Secretary of the Interior for the Government of the Northern Mariana Islands.

AGREEMENT OF THE SPECIAL REPRESENTATIVES ON FUTURE FEDERAL FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

Whereas, under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant), the Government of the United States (Federal Government) and the Government of the Commonwealth of the Northern Mariana Islands (Commonwealth Government) desire to further their mutually beneficial relationship through the development of the economic resources of the Commonwealth, which, over the next seven years, are expected to meet the financial needs of local self-government; and

Whereas, the current guaranteed annual levels of direct grant assistance expire at the end of fiscal year 1992; and

Whereas, the Covenant provides for the appointment of special representatives to consider and make recommendations regarding future Federal financial assistance to the Commonwealth Government; and

Whereas, President George Bush and Governor Lorenzo I. De Leon Guerrero appointed such special representatives who have considered such future Federal financial assistance;

Now, therefore, we, Stella Guerra, Special Representative of the President of the United States, and Benjamin T. Manglona, Pedro R. De Leon Guerrero, Joseph S. Inos, Eloy S. Inos, David M. Sablan, and Mike W. Naholowaa, Special Representatives of the Governor of the Commonwealth of the Northern Mariana Islands, agree as follows:

PART I. POLICY STATEMENT

The Special Representatives mutually agree that economic growth in the Commonwealth of the Northern Mariana Islands has progressed so that the Commonwealth Government is now capable of fully financing its government operations, and will phase in local financing for all capital development projects according to the schedule in this agreement, with the goal of self-reliance by the end of the period of this agreement.

PART II. FUNDING

A. Guarantee Funding Schedule. Subject to the minimum matching contributions by the Commonwealth Government, the Federal Government pledges the full faith and credit of the United States to the appropriation of $120 million in capital development funding in accordance with the following schedule:

Fiscal year	Federal contribution	Commonwealth contribution	Matching and ratio	Commonwealth Capital Development Fund
1994	22,000,000	9,000,000	71/29	31,000,000
1995	21,000,000	14,000,000	60/40	35,000,000
1996	20,000,000	16,000,000	56/44	36,000,000
1997	18,000,000	18,000,000	50/50	36,000,000
1998	16,000,000	20,000,000	44/56	36,000,000
1999	14,000,000	21,000,000	40/60	35,000,000
2000	9,000,000	22,000,000	29/71	31,000,000
Total	120,000,000	120,000,000	50/50	240,000,000

The Special Representatives agree that the final appropriated amount for fiscal year 1993 will be granted in accordance with the terms described in Parts II and III of this agreement, except that the matching contributions by the Commonwealth Government will be 25 percent of the Federal contribution.

The Special Representatives agree that the interest earnings on funds contributed under the Second Financing Agreement may be applied to the total of the Commonwealth Government matching requirements for fiscal years 1993 through 1995. These earnings will be made available when the terms of the grant pledge agreements entered into under the Second Financing Agreement are met.

Any non-Federal funds appropriated by the Legislature in the internal Commonwealth budget process constitutes local revenue for the purpose of complying with the Commonwealth Government contribution requirements for specific projects delineated in Part II B of this Agreement.

B. Capital Development. The Commonwealth Government shall develop and maintain an integrated list of priorities for new and reconstructed capital infrastructure to serve the residents of the Commonwealth. Each listed project shall have a cost estimate with identified sources of financing. Projects may be phased over two or more years. Such list may be revised as deemed appropriate by the Commonwealth Government. Copies of the list and any revision shall be submitted to the Assistant Secretary of the Interior for Territorial and International Affairs.

Projects shall be funded in accordance with an annual grant that specifies the required Federal Government and Commonwealth Government contributions for the projects.

The islands of Rota and Tinian shall each receive no less than a ⅛th share and the island of Saipan shall receive no less than a ⅜th share of the total Commonwealth Capital Development Fund.

C. Debt Financing. The Federal contribution provided in accordance with this agreement may be applied or directed by the Commonwealth Government for the repayment of debt instruments issued by the Commonwealth Government for purposes of capital development, subject to the approval of the Assistant Secretary of the Interior for Territorial and International Affairs.

PART III. ADMINISTRATIVE PROVISIONS

A. Reporting and Accountability. The Federal financial assistance provided under this agreement shall be subject to applicable Federal grant regulations (the Common Rule: 43 CFR 12a, OMB Circular A–102, and OMB Circular A–128).

Prior to the contribution of funds under this agreement, the Federal Government and the Commonwealth Government shall enter into a Subsidiary Agreement on Audit Resolution describing the procedures for resolution and follow-up of all audit recommendations related to financial assistance provided pursuant to Section 702 of the Covenant.

B. Performance Review. Prior to the beginning of the third and fifth years of this agreement, representatives of the Commonwealth Government and the Federal Government shall meet to review progress in carrying out this agreement.

C. Prerogative. This agreement may be amended by mutual agreement in writing, or may be voided by either party prior to ratification by the Congress. In recognition of mutual compromise in exhaustive discussions leading to this agreement, and the Governor of the Commonwealth shall communicate his endorsement of this agreement to the Congress concurrently with the Administration's formal transmission and endorsement.

For the United States of America:

STELLA GUERRA,
Special Representative of the President.

For the Commonwealth of the Northern Mariana Islands:

BENJAMIN T. MANGLONA,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

JOSEPH S. INOS,
Special Representative of the Governor of the Commonwealth of the

Northern Mariana Islands.
DAVID M. SABLAN,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.
PEDRO R. DELEON GUERRERO,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.
ELOY S. INOS,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.
MIKE W. NAHOLOWAA,
Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 2, 1994.

Hon. ALBERT GORE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to authorize the appropriation of funds for construction projects under the financial provisions of the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (Covenant) (Public Law 94-241).

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

The Northern Mariana Islands have experienced rapid economic growth over the past decade. This rapid growth, however, has severely taxed the physical infrastructure of the Commonwealth. As a result of the December 17, 1992, Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands (enclosed), arrived at pursuant to section 702 of the Covenant, legislation was forwarded to the Congress proposing a seven-year $120 million program for capital infrastructure improvements. Under the agreement, annual rates of Federal contribution would decline from $27.7 million to $9 million. Some members of the Congress suggest that the funding in the agreement is too generous and that the seven-year funding period is too long.

Therefore, to address these concerns the Administration proposes draft legislation to authorize the appropriations of $18 million for fiscal year 1995 and $9 million for fiscal year 1996 for only the highest priority capital infrastructure construction in the Northern Mariana Islands. These appropriations are conditioned on the Government of the Northern Mariana Islands matching with $9 million for fiscal year 1995 and $18 million for fiscal year 1996. Under the full two-year program the federal and Northern Mariana Islands matching shares would be equal. Except for the funding provision, all major aspects of the 1992 agreement would remain the same.

Absent new legislation, however, the Northern Mariana Islands will continue to receive $27.7 million, annually. Section 4(b) of Public Law 94-241, as amended, provides that the Government of the Northern Mariana Islands shall continue to receive $27.7 million until the Congress otherwise provides by law.

The need for capital infrastructure improvements in the Northern Mariana Islands continues unabated. In an effort at compromise, the Administration proposes a program devoted exclusively to capital infrastructure development. We urge early action by the Congress.

The Office of Management and Budget has advised that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

LESLIE M. TURNER,
Assistant Secretary, Territorial and International Affairs.●

By Mrs. HUTCHISON (for herself and Mr. ROBB):

S. 2183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Housing, and Urban Affairs.

WORLD WAR II PEACE ACCORDS COMMEMORATIVE COIN ACT

Mrs. HUTCHISON. Mr. President, I introduce today S. 2183, the World War II Peace Accords Commemorative Coin Act. I am joined by the distinguished Senator from Virginia, Senator ROBB. This bill authorizes the minting of a commemorative coin to honor the signing of the historic peace accords which ended World War II.

Last week, we celebrated the 50th anniversary of D-day, commemorating the Allied invasion of Normandy which turned the tide of World War II in Europe. The beachhead established on the coast of France that day helped to pave democracy's road to victory over the tyranny of Adolf Hitler. Thousands of miles away, our Armed Forces would soon make similar sacrifices on very different beaches—beaches in the South Pacific. The courageous efforts of our troops in both Europe and the South Pacific provided decisive victory for the Allies and culminated in the historic signing of the peace accords abroad the U.S.S. *Missouri* on September 2, 1945.

My bill authorizes the minting of a commemorative coin recognizing the 50th anniversary of this momentous event and all those who sacrificed to make it possible. While the minting of the coin will not cost the Federal Government a single penny, proceeds from the coin's sales will fund an expansion of the nonprofit Nimitz Museum of the Pacific War in Fredericksburg, TX. Fleet Adm. Chester Nimitz was raised by his grandfather in Fredericksburg and later became one of America's greatest leaders during World War II. The museum which bears his name is the only museum in the United States dedicated to telling the complete story of the Pacific War. Upon completion, the expansion will house a number of irreplaceable war relics—including a PT boat similar to the one commanded by President Kennedy and a torpedo bomber like the one piloted by President Bush.

In addition, our colleagues in the House of Representatives have overwhelmingly supported a similar bill sponsored by Congressman LAMAR SMITH from San Antonio which has obtained 229 cosponsors only 6 weeks after introduction. I believe the Members of the Senate will show similar support for this legislation.

On September 2, 1995, we will celebrate the 50th anniversary of the end of the greatest war the world has ever known. I urge my colleagues to join Senator ROBB and myself in honoring those who sacrificed to provide the freedom we now enjoy.

By Mr. INOUYE:

S. 2184. A bill to amend title 38, United States Code, to authorize the employment of social workers in the Veterans Health Administration on a fee basis; to the Committee on Veterans' Affairs.

LEGISLATION ON THE VETERANS HEALTH ADMINISTRATION

● Mr. INOUYE. Mr. President, I am introducing legislation today to amend chapter 74 of title 38, United States Code, to revise certain provisions relating to the appointment of clinical social workers in the Veterans Health Administration.

Clinical social workers have a long history of providing high quality care to veterans and their families through the Veterans Health Administration of the Department of Veterans Affairs. Social workers in the Veterans' Administration [VA] are credentialed, have clinical privileges, and provide direct patient care services on an independent basis. Clinical social work services provided to veterans include psychosocial assessment, diagnosis, and treatment; preadmission planning; discharge planning and post-discharge follow-up case management; and health education. These services are critical to the overall operation of VA medical centers and provide a significant contribution to VA initiatives related to homelessness, substance abuse, and post-traumatic stress disorder.

It has come to my attention that the current system of recruiting, hiring, and retaining professional social workers to Veterans' Administration facilities is fraught with long delays, loss of desirable applicants, low salaries, and a lack of career advancement opportunities for members of this important profession. I believe that these kinds of problems ultimately compromise the quality of patient care, and I believe that this situation needs to be corrected.

Mr. President, the legislation I am introducing today would correct these

problems by transferring the recruitment and appointment of social work staff in the VA to title 38, a system that was designed to address professional issues of patient care. Indeed, many other patient care professionals within the VA have already been placed under the jurisdiction of title 38, and this conversion has ameliorated problems for those professionals that were similar to the problems which currently exist for social work.

I believe it is important to ensure that the special expertise and skills social workers possess continue to be made available to our Nation's veterans and their families. I believe that the conversion of social workers to a hybrid title 38, as proposed by this legislation, would provide relief for the current difficulties and enhance the quality of care for veterans.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO EMPLOY SOCIAL WORKERS.

Paragraph (2) of section 7405(a) of title 38, United States Code, is amended—

(1) redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) social workers.●

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2185. A bill to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old U.S. Mint in San Francisco, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION TO TRANSFER THE OLD U.S. MINT

● Mrs. BOXER. Mr. President, today I am introducing legislation to require the Secretary of the Treasury to transfer to the Administrator of General Services the Old Mint Building in San Francisco.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF U.S. MINT, SAN FRANCISCO.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Administrator of General Services, without consideration, the property referred to as the "Old U.S. Mint", located at Fifth and Mission Streets, San Francisco, California, together with any improvements, structures, and fixtures located on the property.

(b) OBTAINING OF OTHER SPACE.—Notwithstanding any other provision of law, using authority and funds available under section 5134 of title 31, United States Code, the Secretary of the Treasury may obtain by lease or purchase other space for the operations of the United States Mint carried out, prior to the date of transfer under subsection (a), at the Old U.S. Mint.

(c) SPACE AND SERVICES CHARGES.—

(1) IN GENERAL.—In accordance with section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)), the Administrator of General Services shall charge persons who are furnished space and services in connection with the property transferred under subsection (a) for the space and services.

(2) DEPOSIT OF CHARGES COLLECTED.—Notwithstanding any other provision of law, the Administrator of General Services shall deposit in the Federal Buildings Fund established by section 210(f) of such Act the amounts collected under paragraph (1).●

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 2186. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Environment and Public Works.

LAFARGE DAM LEGISLATION

● Mr. FEINGOLD. Mr. President, I am pleased to join with my good friend and colleague from Wisconsin, Senator KOHL, in introducing a bill to bring to a close some unfinished business begun by the Federal Government in our State in 1962. Identical legislation is being introduced today in the House of Representatives by our colleagues from Wisconsin, Congressmen GUNDERSON and PETRI.

Mr. President, approximately three decades ago, plans were made to build a dam across the Kickapoo River, near the village of LaFarge, which is located in southwest Wisconsin.

The dam was proposed to provide flood control to a valley which continues to experience frequent floods today. In addition, local residents were told of the economic benefits the planned lake and other improvements would bring in terms of tourism.

Federal legislation was passed authorizing construction by the Army Corps of Engineers in 1962. One hundred and forty families were evicted from homes and farms and construction began in 1971. Construction ended in 1975 leaving the proposed dam only partially built.

The economic and flood control benefits were never realized because there is no lake, and no lake exists because the dam was never completed. In fact the only legacy of the project today lies in some scattered remains of former farm homes, and a 103 foot tall, three-quarters completed dam, with the Kickapoo river flowing unimpeded through a 1,000 foot gap.

The legislation we are introducing today attempts to bring this chapter of the history of LaFarge to a close, but not through finishing dam construction. Even the local residents who once had a vested interest in seeing the dam complete concede this is not a feasible approach, and further, there is now widespread consensus the dam project should not continue.

Mr. President, the legislation introduced today is the result of united community efforts to overcome the past. For the past 3 years, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, and the members of the congressional delegation who join in introducing this legislation, have collaborated together on a plan to take the impacted lands into protection under a combination of State and local control.

I am proud to introduce legislation which is the fruit of these labors. The legislation I offer with Senator KOHL today has three main components.

First, it deauthorizes the dam and accompanying 8569 acres of federally-owned land.

Second, it maintains and slightly modifies authorization for improvement projects which were included in the original designs. These improvements include the upgrading of three roads, and construction of a visitor and education complex including buildings, parking areas, recreational trails and canoe facilities. The legislation also provides for some environmental clean-up and site restoration of abandoned wells and farm sites.

Finally, the legislation transfers these lands and improvements to the State of Wisconsin to be managed under State and local protection.

The Wisconsin State legislature recently passed legislation to take over management of the Kickapoo valley lands in readiness for this kind of Federal action. It provides that the deauthorized land will be managed as a reserve under the auspices of the newly created Kickapoo Valley Governing Board. The board is charged with the following objectives:

(3) OBJECTIVES.—The board shall manage land in the Kickapoo valley reserve to preserve and enhance its unique environmental, scenic and cultural features, to provide facilities for the use and enjoyment of visitors to the reserve and to promote the reserve as a destination for vacationing and recreation.

Strong environmental protections are included in the State legislation including limits on development and an outright ban on any mining activities. In addition the board is required to

consult with the State Historical Society and Wisconsin Indian tribes in managing the historical and cultural content of the lands.

In other words, Mr. President, the deauthorized land would be in very good hands, and for the first time since the 1960's, local residents would regain some control of their own destiny.

Mr. President, when building of the LaFarge Dam was first proposed by the Army Corps of Engineers, two other Federal agencies were expressing their interest in the area for quite different reasons. The U.S. Fish and Wildlife Service was considering designating a "Driftless Area National Wildlife Refuge," and the upper Kickapoo watershed—which was untouched by the levelling effects of glaciation—was a likely target. At the same time, the Natural Park Service was interested in the area due to its unique terrain and diverse plant and animal populations.

The Kickapoo Valley is a lovely area filled with water-carved sandstone cliffs, stands of white pine and hemlock, and rugged ridges surrounding narrow valleys. It is home to many rare plants and several State threatened and endangered animals, as well as more than 400 archeological sites.

It is these very attributes which contributed to the demise of dam plans, and which were long regarded to be standing in the way of progress. Now, the local community has embraced protection of these natural treasures as a means to revitalize the region.

Mr. President, when the 140 families were forced to leave their homes in the 1960's, many of them left the region entirely. Many of those who stayed in the area lost income and the land they once owned was removed from the local tax base. Local businesses which once relied on these customers, suffered, and the school system lost property tax funding along with one-third of its students.

Today, the economic results are still felt in this valley where the median income is only slightly above half of the State average. And the heartfelt bitterness toward what is widely considered an irresponsible Federal boondoggle has been tempered only recently with plans for Federal deauthorization.

Mr. President, that is why I am convinced the legislation we offer today is the best course for this region. It allows for responsible local and State control, and fulfills the Federal Government's responsibility to this area.

The Army Corps of Engineers estimates that if the LaFarge dam were to be completed today, the total cost would be $102 million of which $18.6 million has already been expended. The legislation we offer completes only the related promised improvements to the area at a cost of $17 million—a savings of $66.4 million over costs for dam completion.

In closing, Mr. President, I would like to extend my thanks to my colleagues who are joining me in introducing this legislation today. I would also like to recognize the many people from all levels of government and many different walks of life who have committed long hours of hard work to developing a workable proposal.

And finally, I would like to recognize the personal and collective sacrifice demanded of the people of the Kickapoo Valley in the past 30 years, by finally fulfilling old Federal promises and by returning management of their land to State and local control.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KICKAPOO RIVER, WISCONSIN.

(a) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in paragraph (2), including all works, structures, and other improvements on the lands.

(2) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraph (1) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TERMS AND CONDITIONS.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(4) DEADLINES.—Not later than July 1, 1995, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this subsection. The offer shall provide for the transfer to be made in the period beginning on November 1, 1995, and ending on December 31, 1995.

(5) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(6) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in subsection (a) until the date of the transfer under this subsection.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State Highway Route 131 and County Highway Routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the road right-of-way through the Kickapoo Valley in existence on the date of enactment of this Act.

(B) Construction of a visitor and education complex to include buildings, parking areas, recreational trails, and canoe facilities substantially in accordance with plans contained in Design Memorandum No. 3, Preliminary Master Plan for Resource Management, Kickapoo River, Wisconsin, dated May 1967, and Design Memorandum No. 7, Master Recreation Plan for Resource Management, LaFarge Lake Kickapoo River, Wisconsin, dated July 1974.

(C) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(D) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features identified in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) COSTS.—The cost of the project referred to in subsection (a) is modified to authorize the Secretary to carry out the project at a total cost of $17,000,000, with a first Federal cost of $17,000,000.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.•

• Mr. KOHL. Mr. President, we in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. But one thing that we can probably all agree on is that one appropriate role of the Federal Government is to rectify its past mistakes. I know that all of my colleagues can list many instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today I join with my colleague from Wisconsin, Senator FEINGOLD, in introducing a bill to address one of those mistakes that happened some 30 years ago in the Kickapoo River Valley of Wisconsin. And I'm proud to say that the "fix" to this problem also saves the taxpayers millions of dollars.

In the mid-1960's, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant blow to the local economy.

With the loss of economic activity, the community eagerly awaited the

completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But I am proud to say that the introduction of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The LaFarge Dam legislation would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson acted earlier this year to authorize the use of this 8,500 property as a State recreational and environmental management area.

The highway repairs envisioned by the original act would remain. Because the original act required an area to be flooded, the highway was targeted for relocation. The project has been in limbo all these years, the relocation never took place, nor have any improvements or needed maintenance been done on the highway. Now, over 30 years later, the road has fallen into extreme disrepair, and this bill would authorize the necessary road improvements.

The bill also reauthorizes the construction of a recreational facility to help interpret the surrounding environment for the visitors.

While the original dam and flood control project, in today's dollars, would have cost the Federal Government $102 million, the modified project as authorized by this bill would only cost $17 million.

Mr. President, I look forward to working with my colleagues on the Senate Energy and Natural Resources Committee, and ultimately in the full Senate, to pass this legislation. The identical legislation is also being introduced today on the House side by Congressman STEVE GUNDERSON.●

By Mr. INOUYE:

S. 2187. A bill to amend title V, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically or sexually abusing a child; to the Committee on Governmental Affairs.

CHILD ABUSE ACCOUNTABILITY ACT

● Mr. INOUYE. Mr. President, today I am introducing the Child Abuse Accountability Act of 1994. This legislation would hold child abusers accountable for their actions by allowing their victims access to the Federal pensions of persons convicted of child abuse.

It is estimated that in 1992 almost 3 million children were reported to Child Protection Services [CPS] agencies as alleged victims of child maltreatment—3 million children, in 1 year, in this country. About 25 percent of these reports are incidents of physical abuse and about 15 percent are incidents of sexual abuse.

The nationwide trend in increased CPS reports over the past few years—due partially to increased public awareness and willingness to report, but also to economic stress and substance abuse—is alarming. The current CPS system is overwhelmed by the demands placed on it.

The effects of child physical and sexual abuse are far-reaching. Appropriate treatment is often extensive, sometimes requiring intervention at each developmental stage throughout the lifespan, years after the abuse itself has ceased, to enable the victim to work through the issues surrounding the abuse with cognitive and emotional skills acquired in that stage of development.

In acknowledgement of the devastating effects of abuse of children, courts have often awarded monetary damages to victims of physical and sexual abuse. Unfortunately, convicted abusers often avoid payment by liquidating assets and relocating. And the Federal Government has, to date, protected the pensions of these abusers by refusing to pay court-ordered awards. This legislation would correct that injustice.

I urge my colleagues in the Senate to join me in support of the Child Abuse Accountability Act, and my colleagues in the House in support of H.R. 3694 introduced by Representative PATRICIA SCHROEDER on November 22, 1993.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Accountability Act".

SEC. 2. GARNISHMENT AUTHORITY.

(A) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8345(j) of title 5, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) Payments under this subchapter that would otherwise be made to an employee, Member, or annuitant based on service of that individual shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of—

"(i) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(ii) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered for physically or sexually abusing a child against such employee, Member, or annuitant.

"(B) Any payment under this paragraph to a person bars recovery by any other person.

"(C) If the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.";

(2) in paragraph (2) by inserting "other legal process," after "order,"; and

(3) by amending paragraph (3) to read as follows:

"(3) For the purpose of this section—

"(A) the term 'court' means any court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court;

"(B) the term 'judgment rendered for physically or sexually abusing a child' means any legal claim perfected through a final enforceable judgment, which claim is based on whole or in part upon the physical abuse or sexual abuse of a child, whether or not that physical abuse or sexual abuse is accompanied by other actionable wrongdoing, such as sexual exploitation, gross negligence, or emotional abuse; and

"(C) the term 'child' means an individual under 18 years of age.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) Payments under this chapter that would otherwise be made to an employee, Member, or annuitant (including an employee, Member, or annuitant as defined in section 8331) based on service of that individual shall be paid (in whole or in part) by the Office or the Executive Director, as the case may be, to another person if and to the extent expressly provided for in the terms of—

"(A) any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation; or

"(B) any court order or other similar process in the nature of garnishment for the enforcement of a judgment rendered for physically or sexually abusing a child against such employee, Member, or annuitant.

"(2) Any payment under this subsection to a person bars recovery by any other person.

"(3) If the Office is served with more than 1 decree, order, or other legal process with respect to the same moneys due or payable to any individual, such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.";

(2) in subsection (b) by inserting "other legal process," after "order,"; and

(3) by adding at the end the following new subsection:

"(c) For the purpose of this section—

"(1) the term 'judgment rendered for physically or sexually abusing a child' means a legal claim perfected through a final enforceable judgment, which claim is based in whole

or in part upon the physical abuse or sexual abuse of a child, whether or not that physical abuse or sexual abuse is accompanied by other actionable wrongdoing, such as sexual exploitation, gross negligence, or emotional abuse; and

"(2) the term 'child' means an individual under 18 years of age.".

SEC. 3. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to any decree, order, or other legal process or any notice of agreement received by the Office of Personnel Management on or after the date of enactment of this Act.•

By Mr. INOUYE (for himself and Mr. SIMON):

S. 2188. A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes; to the Committee on the Judiciary.

RELIEF OF THE POTTAWATOMI NATION IN CANADA

• Mr. INOUYE. Mr. President, I am pleased to introduce today a bill to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims. The resolution that accompanies this bill would refer this claim to the chief judge of the U.S. Court of Federal Claims, and requires the chief judge to report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, including interest computed at the rate of 5 percent interest per annum, which may be legally or equitably due from the United States to the claimant and which would have been compensable under the Indian Claims Commission Act—section 70 title 25, United States Code.

Mr. President, the origins of this claim begin in the latter part of the 18th century, and are inextricably intertwined with claims of the Pottawatomi Tribes in the United States previously acted upon by the Indian Claims Commission which was established in 1946. The claim brought by the Wisconsin Pottawatomi Tribes originally included the claims of the Pottawatomi Indians residing in Canada. However, because the Canadian Pottawatomis were forced to leave the territorial boundaries of the United States and resettled in what is now Canada, their claims against the United States were held to be barred on jurisdictional grounds. *Hannahville Indian Community, et al.* v. *United States*, 4 Cl. Ct. 445, 456 (1983), aff'd, 732 F.2d 167 (Fed Cir.), cert. denied, 469 U.S. 824 (1984). The members of the Pottawatomi Nation in Canada are descendants of the Pottawatomi Nation who were aboriginal inhabitants of the United States. This was an Indian nation with which the United States dealt with by numerous treaties. Prior to their removal to Canada, they shared a common status with the Wisconsin Pottawatomis. The exclusion of the claims of the Canadian Pottawatomis from consideration by the Claims Court, while required by law because of their current Canadian residence, has worked a grave injustice.

In the 101st Congress, I introduced a similar bill, which would have permitted the Court of Federal Claims to consider the merits of the claim of the Pottawatomi Nation in Canada. At that time, the Pottawatomi Nation in Canada was urged to exhaust their legal remedies by bringing suit in the Court of Federal Claims, under the Tucker Act. In 1992, the Court of Federal Claims ruled that the Pottawatomis were barred under a statute of limitation. Again, the merits of the claim were not heard. *Pottawatomi Nation in Canada* v. *United States*, 27 Fed.Cl. 388 (1992).

Mr. President, members of the Pottawatomi Nation in Canada have diligently sought to enforce their rights under the solemn treaties they entered into with the United States. This bill seeks to uphold those obligations of the United States by waiving technical legal defenses and permitting the Chief Judge of the U.S. Court of Federal Claims to consider the merits of the claim. For the record, I will briefly describe more of the details of this claim.

Mr. President, from 1795 to 1833, the United States entered into 12 treaties with the Pottawatomi Indians who resided on lands located in what are now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. The treaty making culminated with the September 25, 1833 Treaty of Chicago when the Pottawatomi Nation ceded lands on the western shore of Lake Michigan in return for reservation lands west of the Mississippi River and annual payments in perpetuity.

The Wisconsin Pottawatomi were not signatories to the Treaty of Chicago and refused to move west. About 2,000 to 3,000 fled to Canada, with 500 remaining in Wisconsin and Michigan. The Indians who did move west received 5 million acres of land near what is now Council Bluffs, IA, along with other monetary and nonmonetary considerations. The Wisconsin Pottawatomis declared that the bands who negotiated the treaties had no right to cede homes and lands in Wisconsin. As is true with many other American Indian tribes, the forced removal westward was devastating.

According to one document prepared by a tribal attorney:

Over one-half of the Indians who were removed West pursuant to per capita Government contracts died en route. Those who reached Iowa were almost immediately removed to inhospitable parts of Kansas. About one-half the Indians removed West and nearly all the remainder fled to Canada. Official files of the Canadian and United States Governments disclose that the Indians who fled to Canada were in a substantial number of cases pursued by troops and departed without their horses or any of their possessions other than the clothes on their backs. (Page 3, of memo of 10/7/49 prepared by tribal attorney in response to questions raised in hearings conducted by the House Committee on Public Lands on 6/7/49 and 7/6/49 on H.R. 4726, a bill that would have sent the claim to the newly established Indian Claims Commission.)

The Congress learned in 1864 that the Pottawatomi Indians who had not removed to the west had not received their share of tribal funds. The Secretary of the Interior concluded that the failure to remove to the west had worked a forfeiture of claims to annuities or other payments and had disbursed no funds to these Indians. By the act of June 25, 1864 (13 Stat. 172) the Congress declared that no forfeiture had occurred and directed that the share of the Pottawatomi Indians who had refused to relocate to the west "should be held in the Treasury and retained to their credit until such time as they might remove to the then home of the tribe in Kansas." (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949).

In 1903, the Wisconsin Pottawatomi tribes petitioned the Senate for failure to receive payments as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the act of June 21, 1906 (34 Stat. 380) the Congress directed the Secretary of the Interior to investigate claims made by the Pottawatomi Indians of Wisconsin and report on:

* * * what number of said Indians continued to reside in the State of Wisconsin after the Treaty of 1833, their proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong, in which the claimant Indians have not shared, the amount of such moneys retained in the Treasury of the United States to the credit of the claimant Indians as directed the provision of the Act of June 25, 1864 * * *.

Dr. Wooster of the then Office of Indian Affairs, Department of the Interior was appointed to head up this effort and he spent two years on investigation. The results of his investigation were set forth in the letter report to the Congress from Secretary of the Interior James R. Garfield, dated April 1, 1908. (H.R. Doc. No. 830, 60th Cong., 1st Sess. (1908).) During the course of his investigation, Dr. Wooster made an enrollment of 2,007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1,550 in Canada. He concluded that the proportionate share of annuities due the Pottawatomi of Wisconsin and unpaid, for the period 1838 through 1907 was $447,339. Dr. Wooster also concluded that the proportionate

share of annuities due the Pottawatomi Nation in Canada, for the same period, was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to pay the claims of those Wisconsin Pottawatomis residing in the United States. Those Pottawatomis who resided in Canada were never paid their share of the tribal funds although, as stated above, the legislative history of the 1906 Act demonstrates that the Congress believed the tribe's failure to move West did not constitute a forfeiture of its entitlement.

In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked by more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act granted the Commission jurisdiction over so-called ancient claims, or those arising before the jurisdictional cut-off date of 1951. The act created five broad classes of claims, including claims based upon fair and honorable dealings.

In 1948, the Pottawatomis brought suit before the Indian Claims Commission for recovery of damages. *Hannahville Indian Community* v. *U.S.*, No. 28 (Ind.Cl.Comm. filed May 4, 1948). The Canadian band was included in the original pleading but the Indian Claims Commission dismissed their part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside the territorial limits of the United States. *Hannahville Indian Community* v. *U.S.*, 115 Ct.Cl. 823 (1950). The claim of the Wisconsin Pottawatomis residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Pottawatomis by the U.S. Claims Court in 1983. *Hannahville Indian Community, et al.* v. *United States*, 4 Cl. Ct. 445 (1983). The Court of Claims concluded that the Wisconsin Pottawatomis' proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago, was $447,339; but also finding that most of this amount was offset by payments actually appropriated and received. The court also concluded that the Wisconsin Pottawatomis were entitled to a proportionate share of funds in the amount of $187,758 agreed upon by the Pottawatomi Tribe of Kansas and Wisconsin as a capitalization on the basis of 5 percentum of perpetual annuities provided in the various treaties. The court also found that the Wisconsin Pottawatomis were entitled to a proportionate share of certain other funds of minor magnitude arising out of the various treaties.

There are about 10,000 Pottawatomi descendants now living in communities surrounding Lakes Huron, Erie, and Ontario in Canada. The Pottawatomi Nation in Canada is represented politically by an executive council. The executive council receives its direction and mandate from the members of the Pottawatomi Nation who meet at general councils every other month. The priorities of the Pottawatomi Nation lie in areas of language, culture and tribal organizational matters. Both the Forest County Pottawatomi community and the Hannahville Indian Pottawatomi community support the efforts the Canadian Pottawatomi to have their claims against the United States settled.•

By Mr. HATFIELD:

S. 2189. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

ECOSYSTEM MANAGEMENT ACT OF 1994

Mr. HATFIELD. Mr. President, ecosystem management and watershed protection are the buzz words for a new generation of land management philosophies and techniques. A number of Federal land management agencies are now working to implement ecosystem management on a landscape level, including the Bureau of Land Management, the Forest Service and the Bureau of Reclamation. For example, in 1992 the BLM released its resource management plans for western Oregon which developed the first comprehensive strategy for management of forest ecosystems and watersheds in the Nation. Since that time, the Forest Service and Interior Department joined in the act with the development of the Forest Ecosystem Management Assessment Team report, better known as Option 9, for the forest ecosystems of the Pacific Northwest. In addition, Interior is continually working on ecosystem management plans for other areas of the Nation, such as the Florida Everglades and the area inhabited by the southern California gnatcatcher.

While this work is admirable and perhaps necessary in the evolution of land management policy, a great deal of apprehension and concern still surrounds this method of managing our water, air, land, and fish and wildlife resources on a large scale. As keepers of the taxpayers' purse strings, Congress is required to provide the funding to allow the agencies to engage in this type of management.

Unfortunately, we as legislators and appropriators understand little about this new and innovative land management technique. Each Federal Government agency, State agency, interest group, and Congressperson has his or her own idea of what ecosystem management means for the people and ecology of their particular State or region. As appropriators, we are required to fund these actions with little more than faith that the agencies' recommendations are based on sound science and a firm understanding of the needs of ecosystems and the people who live there.

Numerous additional questions surround not only the integrity but the functionality of the ecosystem management boat we have already launched. For example, what is ecosystem management, how should it be implemented and who should be implementing it? How does the ecosystem-oriented work of the Federal agencies, States, municipalities, counties, and interest groups mesh? And is the existing structure of our Government agencies adequate to meet the requirements of managing land across which State and county lines have been drawn? Finally, with a decreasing resource production receipt base, how shall we pay for ecosystem management? Direct Federal appropriations? Consolidation of Federal, State, local, and private funds? And if we determine how to pay for ecosystem management, who coordinates collection of these funds and how are they distributed?

I do not disagree with the theory that holistic, coordinated management of our natural resources is necessary. On the contrary, I and many of my Senate colleagues are prepared to move in that direction. It makes eminent sense to manage resources by the natural evolution of river basins and watersheds rather than according to the artificial boundaries established by counties, States and nations. Nevertheless, as our Nation's funding resources become more scarce and our Government agencies, States, localities, and private interests seek to coordinate their ecosystem restoration efforts, Congress and the executive branch need to avail themselves to the best information in order to make educated, informed decisions about how ecosystem management will affect our Nation's people, environment, and Federal budget.

To help answer these questions, I am introducing legislation today to create an ecosystem management study commission. This bipartisan commission will be composed of the chairmen and ranking minority members of following Senate committees: Energy and Natural Resources; Appropriations; Interior and Related Agencies Subcommittee of Appropriations; and the Public Lands,

National Parks and Forests Subcommittee of Energy and Natural Resources. In addition, chairman and ranking members from the following House committees will also serve: Natural Resources; Appropriations; Interior Subcommittee of Appropriations; and the National Parks, Forests and Public Lands Subcommittee of Natural Resources.

The commission will submit a report to Congress 1 year after enactment which: defines ecosystem management; identifies constraints and opportunities for coordinated ecosystem planning; examines existing laws and Federal agency budgets to determine whether any changes are necessary to facilitate ecosystem management; identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies; and identifies, through case studies representing different regions of the United States, opportunities for and constraints on ecosystem management.

To assist the ecosystem study commission with its report, a 13-member advisory committee will be appointed by the Secretary of the Interior, and would include two tribal nominees, three nominees from the Western Governors Association, two members of conservation groups, two members from industry, two members from professional societies familiar with ecosystem management, and two members of the legal community.

I expect this commission and its advisory committee to build the base of knowledge and data surrounding ecosystem management that we in Congress so desperately need in order to make intelligent, informed decisions on legislations and funding issues relating to ecosystem management. At the very least, this exercise will bring people and groups together who often find themselves in adversarial positions on natural resource management issues, much as the Northwest salmon summit did back in 1990 with environmental, State and industry interests.

It is time to look beyond the polarized positions of economic growth and environmental protection which have crippled our system of land management planning and implementation in recent years. Instead we must work toward the creation of cooperative, regionally based, incentive-driven planning for the management of our water, air, land, and fish and wildlife resources in perpetuity.

The quest for ecosystem management becomes even more urgent as we realize that the world's population will double from 5.5 to 11 billion people over the next 40 years, and the resources to support those people will come under increasing demand, especially as they become more scarce. We have learned since childhood that food, water, shelter, and clothing are basic to human survival on this planet. Equally important is a clean environment, healthy ecosystem, and an understanding of their interdependence and integrated nature. This knowledge is crucial for the depolarization of our current land management framework and to the reempowerment of our citizens with the task of preserving the health and welfare of the river basins and watersheds in which the future generations of their families will live and work.

I urge my colleagues to join me in establishing the ecosystem management study commission contained in the legislation, and in paving the way for a greater understanding of ecosystems, their dependent parts and the tools necessary to implement true, on-the-ground ecosystem management for the good of both our human and our natural resources.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTLINE AND SECTION-BY-SECTION ANALYSIS

AMENDS TITLE II OF THE FEDERAL LANDS AND POLICY MANAGEMENT ACT OF 1976

I. Principles

Set Ecosystem Management principles, including: A recognition of human needs; The need for partnerships and cooperation between public and private interests; The importance of resource stewardship; The importance of public participation; The need for the use of the best available science.

II. Commission

Establish an Ecosystem Management Commission to:

A. Advise the Secretary and Congress concerning policies relating to ecosystem management on public lands;

B. Examine opportunities for and constraints on achieving cooperative and coordinated ecosystem management strategies between the Federal Government, Indian tribes, states, and private landowners.

III. Membership

Membership of the Commission includes the Chairman and Ranking Members from the following Congressional committees:

Senate: Energy and Natural Resources Committee; Public Lands, National Parks and Forests Subcommittee of the Senate Energy Committee; Appropriations Committee; Interior and Related Agencies Subcommittee of the Appropriations Committee.

House: Natural Resources Committee; Subcommittee on National Parks, Forests and Public Lands of the Natural Resources Committee; Appropriations Committee; Interior Subcommittee of the Appropriations Committee.

IV. Report

The Commission shall submit a report to Congress with recommendations one year after enactment which:

1. Defines "ecosystem management;"

2. Identifies constraints on and opportunities for coordinated ecosystem planning;

3. Examines existing laws and federal agency budgets affecting public lands management to determine whether any changes are necessary to facilitate ecosystem management;

4. Identifies incentives, such as trust funds, to encourage parties to engage in the development of ecosystem management strategies;

5. Identifies, through case studies that represent different regions of the U.S., opportunities for and constraints on ecosystem management.

V. Advisory Committee

An Advisory Committee shall be appointed to assist the Commission not later than 90 days after enactment. Members of the Advisory Committee shall include 13 members appointed by the Secretary of the Interior:

Two tribal nominees;

Three nominees from the Western Governors Association;

Two members of conservation groups;

Two members from industry with public lands concerns;

Two members from professional societies familiar with the concept of ecosystem management;

Two members of the legal community.

VI. Appropriations

Authorized appropriations are $10 million.

By Mr. LAUTENBERG (for himself and Mr. WOFFORD):

S. 2190. A bill to direct the Office of Personnel Management to establish an interagency placement program for Federal employees affected by reduction in force actions, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL SERVICE PRIORITY PLACEMENT PROGRAM ACT

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Federal Service Priority Placement Program Act of 1994. I am pleased to be joined in this effort by my colleague from Pennsylvania, Senator WOFFORD.

In simple terms, Mr. President, this legislation requires the Office of Personnel Management [OPM] to establish a demonstration program that will create a mandatory interagency placement program for Federal employees affected by reduction in force actions.

Let me explain why this program is needed.

As Federal employment decreases, an increasing number of talented and skilled and dedicated employees lose their jobs. In an effort to be responsive to their human needs, and to continue to use their talents in public service, different departments, and agencies in the Federal Government have developed their own placement programs to help former employees. The Department of Defense's Priority Placement Program [PPP] is, by far, the most successful placement program in the Government. Since PPP's inception in 1965, over 100,000 Defense employees have been successfully placed elsewhere in the Department.

But there are problems with the existing system. First, as jobs decline, so does the success of placement programs. In a 1992 report, the General Accounting Office [GAO] noted that the PPP in the Department of Defense was not able to meet demand for placements because fewer job opportunities

79-059 O—97 Vol. 140 (Pt. 9) 28

were available. This remains the case—there are presently more than 17,000 registrants in the program. The placement rate for the PPP has declined, falling from a high of 48 percent in 1989 to 23 percent in 1991. This problem will continue to grow both in the Defense Department and other Federal agencies: After all, over the next 5 years of the total Federal civilian work force will be reduced by 272,000 employees. We cannot eliminate the jobs with one hand and rehire the workers on the other.

Second, intraagency placement programs fail to maximize opportunities for workers. It is fine for the Defense Department to offer its former workers priority consideration for new DOD jobs—but it would be even better if those workers had priority placement rights or at least extra consideration for jobs they are qualified for throughout the Federal Government.

There are some steps being taken in that direction now. The Office of Personnel Management currently operates two Governmentwide placement programs that supplement the individual efforts of Federal agencies. But the program is severely restricted According to a 1992 GAO report, OPM's programs had only 4,433 registrants and made only 110 placements in fiscal year 1991. Although OPM has made some improvements to its programs since 1992, there clearly remains a need for a coordinated, mandatory governmentwide placement program.

That is precisely what this bill will create. It will require all Federal agencies to offer any opening to a well-qualified, dislocated Federal worker located within the commuting area of such opening prior to making an offer to a non-Federal Government employee.

The Federal Service Priority Placement Program will not supersede intraagency placement programs. Only when an agency is unable to fill a position internally through its own placement program will the Federal Service PPP go into effect. Furthermore, to ensure the Federal employee who is offered a position with another agency will not be misplaced, this bill requires that the worker be well qualified for that position.

We want to reinvent government. We have to reduce Federal employment. But we do not need to sacrifice the skills and talents and dedication of employees arbitrarily. By facilitating a Federal employee's effort to maintain a position with the Federal Government through the creation of a mandatory interagency placement program, I believe that this legislation will minimize the disruption created by reinvention and maximize the ability of existing Federal workers to continue to make a contribution to this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Service Priority Placement Program Act of 1994".

SEC. 2. INTERAGENCY PLACEMENT PROGRAM FOR FEDERAL EMPLOYEES AFFECTED BY REDUCTION IN FORCE ACTIONS.

(a) DEFINITION.—For purposes of this section the term "agency" means an "Executive agency" as defined under section 105 of title 5, United States Code, and—

(1) includes the United States Postal Service and the Postal Rate Commission; and

(2) does not include the General Accounting Office.

(b) ESTABLISHMENT OF PROGRAM.—No later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall establish a Government-wide demonstration program to facilitate employment placement for Federal employees who—

(1) are scheduled to be separated from service under a reduction in force pursuant to—

(A) regulations prescribed under section 3502 of title 5, United States Code; or

(B) procedures established under section 3595 of title 5, United States Code; or

(2) are separated from service under such a reduction in force.

(c) INTERAGENCY PLACEMENT PROGRAM.—The placement program established under subsection (b) shall—

(1) coordinate with programs established by agencies for the placement of agency employees affected by a reduction in force action within such agency; and

(2) provide a system to require the offer of a position in an agency to an employee of another agency affected by a reduction in force action, if—

(A) the position cannot be filled through the placement program of the agency in which the position is located;

(B) the employee to whom the offer is made is well qualified for the offered position;

(C)(i) the classification of the offered position is equal to the classification of the employee's present or last held position; or

(ii) the basic rate of pay of the offered position is equal to the basic rate of pay of the employee's present or last held position; and

(D) the geographic location of the offered position is within the commuting area of—

(i) the residence of the employee; or

(ii) the location of the employee's present or last held position.

(d) AGENCY PROGRAMS UNAFFECTED.—The interagency placement program established under this section shall not affect the priority of placement of any employee under the agency placement program of such employee's employing agency.

(e) TERMINATION OF DEMONSTRATION PROGRAM.—The demonstration program established under subsection (b) shall terminate 5 years after the date on which the Director of the Office of Personnel Management determines such program is first operable.●

By Mr. COCHRAN (for himself and Mr. LOTT):

S.J. Res. 199. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RESTORING THE RIGHT TO THE FREE EXERCISE OF RELIGION

● Mr. COCHRAN. Mr. President, today I am introducing a joint resolution that proposes an amendment to the Constitution to guarantee that the right of all citizens of the United States to the free exercise of their religion shall not be denied or abridged by the United States or any State.

Mr. President, the fact that the guarantee of the free exercise of religion is the first of the fundamental rights protected in our Bill of Rights indicates the importance the Framers assigned to it.

In recent years there appears to have developed an official or politically correct negative view of individuals who express openly their religious views. Many Americans are convinced that the intentions of our Constitution's Framers on religious freedom are not only misunderstood and misinterpreted, but are, in fact, under attack by the very government established to guarantee it. Many Americans also fear that if these trends continue the Constitution's guarantee of religious freedom will be undermined completely.

Mr. President, following the Supreme Court's school prayer decision and other court cases, such as the 1990 decision in Employment Division, Oregon Department of Human Services versus Smith have put the state of the law on religious freedom under a cloud. In Smith, the Court abandoned its strict scrutiny standard, which had required that government must show that a compelling public interest was at stake in its actions affecting free exercise, and replaced it with a test by which any government action burdening free exercise would be constitutional, so long as it is religiously neutral and uniformly applied.

The Smith decision was considered by many as a major erosion in the Constitution's protection for free exercise and by some as the subordination of free exercise to a much broader range of potential Federal, State and local government actions than the Framers could ever have imagined.

The case has become a catalyst that has brought many different religious groups and individuals together to push for restoration of the strict scrutiny test. The passage last November of the Religious Freedom Restoration Act was believed by many to have solved the problem by restoring the strict scrutiny standard abandoned in Smith.

In my view, Mr. President, the Religious Freedom Restoration Act is, at best, only a partial solution to the much broader problem manifested in the antireligion sentiments and actions that are becoming more and more common in our society and institutions.

Prof. Douglas Laycock of the University of Texas Law School, has described the act as:

An attempt to create a statutory right to the free exercise of religion, pursuant to Congress' power under Section 5 of the Fourteenth Amendment to enforce the Fourteenth Amendment and therefore presumably to enforce all the rights incorporated in the Fourteenth Amendment.

It is Professor Laycock's assessment that in combination with Smith the Religious Freedom Restoration Act means that "most religious litigation henceforth will be under the statute rather than under the Constitution, or maybe under State constitutions rather than under Federal law, but the principal Federal claim will be statutory." He further raises the possibility that if an unpopular religion should prevail in court, it is conceivable that Congress could amend the act to cut that religion out from its protection.

Mr. President, I don't believe that this is protection of the free exercise that our Framers had in mind. In fact, the Framers would probably have great difficulty in understanding how we have arrived at the current state of the law with regard to the free exercise of religion. They would likely find it ironic that questions arising as to Government actions that burden free exercise—the fundamental right to which they gave such special standing in the Bill of Rights—should now turn on what Congress may have intended in making a law.

Mr. President, it is time we restored to its proper place in our Constitution the guarantee of every individual's right to the free exercise of their religious beliefs. That is why today I am introducing a joint resolution proposing an amendment to our Constitution which will, when adopted, restore that guarantee.

The proposed amendment reads as follows:

The right of citizens of the United States to the free exercise of religion shall not be denied or abridged by the United States or by any State.

Mr. President, if given the opportunity, I believe the American people will, through their State legislatures, support a constitutional amendment to restore the fundamental right of every individual to exercise their religious beliefs, free from Government intervention, and I invite my colleagues to join as cosponsors of this joint resolution.

I ask unanimous consent that copies of two recent articles on this subject in the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHURCH AND STATE

In this holy season of Easter and Passover, it's an appropriate time to consider the status of religion's role in the public sphere.

Some of the most difficult problems facing U.S. society today—crime, welfare, illegitimacy, broken families—are ones that in the past were mitigated by religious influence, not the state. These are preponderantly moral concerns, and a consensus seems to be emerging that their solutions will depend on reviving the moral sense.

It won't be easy. After the Supreme Court made school prayer illegal, anything remotely religious disappeared from public life, often because of litigation by the ACLU but as often driven off by an overbearing secularism that, for instance, began stripping out religious references from textbooks.

In time, the media essentially ignored religion, though allegations of pederasty against Catholic priests would cheerfully be kicked through the news media for weeks. (It must be acknowledged that our major religious institutions contentedly handed over many of their traditional social functions to the government, then became lobbies for state tax collections.)

There are signs now that this may be changing, albeit slowly. Religion seems to be working its way more often into the public discourse. We have a President who unabashedly talks about his beliefs. One of the most influential books of last year was Yale Law Professor Stephen Carter's "The Culture of Disbelief," which argues that American culture, law and politics discriminate against religion. James Q. Wilson's "The Moral Sense" was widely discussed, and William Bennett's "The Book of Virtues," well received in both conservative and some liberal publications, rose to the top of the best-sellers' lists. Jesus is on Newsweek's cover.

Congress overwhelmingly passed the Religious Freedom Restoration Act last fall, after vigorous lobbying efforts from virtually every part of the religious spectrum. The act protects religion from restrictive laws, unless government can show a compelling interest and imposes the restriction in the least burdensome way. A few weeks ago a provision in a House bill that could have forced home-schoolers to obtain the same teaching credentials required of public school teachers died a swift death when congressional switchboards were flooded with calls of protest from home-schooling constituents, many of them evangelical Christians fed up with the educational and moral standards of the public schools.

One of the most significant political developments of the past year or two is the emerging alliance between Roman Catholics and evangelical Protestants (joined sometimes by Orthodox Jews). Last week a group of prominent clergy from both groups issued a statement pledging to cooperate on political issues of common concern such as abortion, school choice and strengthening the traditional family. The statement cites "a growing convergence" on such issues.

There are 58 million Catholics in the U.S. and 24 million evangelicals—a large segment of the electorate. "This is the wave of the future," says Ralph Reed, executive director of Pat Robertson's Christian Coalition. "It is as significant a coalition to the future of American politics as the unification of blacks and Jews during the civil rights struggle."

Last year the Supreme Court ruled in favor of a religious organization that wanted to rent a local public school auditorium for an after-hours function. States, especially in the South, are trying to legislate prayer back into the schools in the wake of a favorable federal Court of Appeals ruling in 1992.

The Supreme Court's most important religious case this term concerns the constitutionality of a public school in New York State established to educate the disabled children of Kiryas Joel, a village of Hasidic Jews. In arguing his case before the Court last Wednesday, Nathan Lewin, the attorney for Kiryas Joel, said, "It turns the Constitution on its head to say that the free exercise of religion becomes the one impermissible vice."

All this will agitate those most ardent for church-state separation. But there are some realities they ought to try to come to grips with. The United States remains one of the most religious nations on earth and by far the most religious country in the Western world; nine out of 10 Americans profess a belief in God.

Yet we are also a nation that in the wake of the school prayer decision, spent the three decades actively expunging every vestige of the religious impulse from public life and discourse. It is hardly a coincidence that this same period saw the rise of many social pathologies. A reaction from this country's religious tradition was inevitable. It has arrived.

FREE TO PRAY

Last week a Mississippi judge struck a blow for prayer in the schools when he reinstated school principal Bishop Knox, who had been suspended for allowing a student to read a prayer over the school's public-address system. Below, excerpts from the opinion by Judge Chet Dillard of the Hinds County Chancery Court in Jackson, Miss.:

This case involves our most treasured freedoms—concerning our schoolchildren, our Constitution, and our religion. Therefore, a short reference to constitutional history is appropriate.

"The sacred rights of mankind are not to be rummaged for among parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power." In the beginning Alexander Hamilton so expressed his views on the value of constitutional rights.

We have completely missed the main objective of the Founding Fathers of our country when we reach the point where we construe our Constitution to allow students to have abortions yet forbid them to pray in our schools. . . .

The Constitution was designed to preserve a wholesome, regulated, orderly, moral way of life. It was not to destroy the very way of life our forefathers loved, enjoyed, and wanted to guarantee for future generations when it was adopted. Since the ratification of the Bill of Rights in 1791 by the states until recent times, abortion was a criminal act. Most all states had a death penalty for murder, and prayer was the beginning and end of nearly every honorable endeavor. In just a relatively few years, beginning in the '60s, it has become a constitutional right to have an abortion, avoid the death penalty for at least 10 years, but unconstitutional to pray in school except under very limited circumstances. . . .

There is a valid argument being made that the attempt to prevent the freedom to offer prayer in school has led to the loss of moral values in public education. This seems to be true as reflected by the violence, lack of respect for authority, and criminal acts such as carrying concealed weapons, assaults, drug traffic and even murder. All citizens of this country should be concerned enough to help prevent what happened to religion in the Soviet Union. This was brought about by

the courts' interpretation of their constitution. That is the reason we must give as much weight to the Free Exercise Clause as we do the Establishment Clause. They must balance.●

ADDITIONAL COSPONSORS

S. 295

At the request of Mr. MACK, his name was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky [Mr. MCCONNELL] was withdrawn as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 586

At the request of Mr. GRASSLEY, the name of the Senator form Arizona [Mr. DECONCINI] was added as a cosponsor of S. 586, a bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1266

At the request of Mr. MACK, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

S. 1350

At the request of Mr. INOUYE, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricane, earthquakes, and volcanic eruptions, and for other purposes.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Connecticut [Mr. DODD], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1830

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

S. 1842

At the request of Mr. MACK, his name was added as a cosponsor of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1964

At the request of Mr. METZENBAUM, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1964, a bill entitled the Reemployment and Retraining Act.

S. 2030

At the request of Mr. MACK, his name was added as a cosponsor of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

At the request of Mr. ROTH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 2030.

S. 2080

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 2080, a bill to designate a site for the relocation of the public facility of the National Museum of Health and Medicine, and for other purposes.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2148

At the request of Mr. FEINGOLD, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2148, a bill to delay procurement of the CVN–76 aircraft carrier.

S. 2162

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2162, a bill to provide protection from sexual predators.

S.J. RES. 165

At the request of Mr. COCHRAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S.J. Res. 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

S.J. RES. 178

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Missouri [Mr. BOND], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S.J. Res. 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

S.J. RES. 189

At the request of Mr. ROTH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S.J. Res. 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

S.J. RES. 192

At the request of Mr. KOHL, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], and the Senator from

Tennessee [Mr. MATHEWS] were added as cosponsors of S.J. Res. 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

S. RES. 70

At the request of Mr. D'AMATO, his name was withdrawn as a cosponsor of S. Res. 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

S. RES. 148

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. Res. 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE RESOLUTION 221—RELATING TO UNITED STATES VERSUS KNOX

Mr. ROTH (for himself, Mr. GRASSLEY, and Mr. HEFLIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 221

Whereas the United States Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

Whereas on November 4, 1993, the United States Senate, by a vote of 100-to-0, denounced as improper the United States Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children; and

Whereas, on June 9, 1994, the United States court of appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reinstate the conviction of Stephen Knox: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Justice Department should accept the persuasive opinion of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox and that the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case.

Mr. ROTH. Mr. President, I rise today to commend the Third Circuit Court of Appeals for reaffirming its earlier decision to protect children and for rejecting the administration's attempt to weaken Federal child pornography laws. Last November, the Senate by a vote of 100 to 0, passed the Roth-Grassley amendment to the crime bill. In that amendment, we denounced the Justice Department's proposed new, narrow interpretation of the Federal child pornography statutes in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children. The Justice Department did not listen to us. Fortunately, the third circuit has stepped up where the Justice Department fell short. Having now heard from both the Court of Appeals and the Senate as to the proper interpretation of the Federal child pornography laws, I sincerely hope the administration gets the message and recognizes that we need to protect children, not pedophiles and pornographers.

To underscore the importance of the third circuit's decision in this case, I am submitting today a sense-of-the-Senate resolution urging the Department of Justice to accept the third circuit's persuasive opinion in the Knox case and to vigorously oppose all efforts by this convicted child pornographer to overturn this decision. I would urge my colleagues to support this resolution to ensure the administration gets the message.

But I want to bring to the Senate's attention another deplorable situation in which the U.S. State Department appears to have ignored that message—in the process possibly placing at least one and perhaps more American young people at risk. Shortly before Christmas last year, the United States embassy in Guatemala placed a 14 year-old American boy in an orphanage in Guatemala run by an American named John Wetterer. The embassy took this action despite knowing that Mr. Wetterer has been indicted by a Federal grand jury in the United States for sexually abusing young boys at his orphanage. U.S. Embassy officials took this action despite the fact that the U.S. Justice Department has been attempting to extradite Mr. Wetterer for the past 3 years to face the criminal child molestation-related charges pending against him in New York.

Mr. Wetterer has been indicted in New York for mail fraud and interstate transportation of stolen property for allegedly raising money for this orphanage under false pretenses. The indictment alleges, among other things, that Mr. Wetterer used his orphanage to "induce, entice and persuade the boys to submit to his sexual activities." A Federal investigator, in a sworn affidavit, asserted that Wetterer "regularly molests young boys who reside at [his orphanage] and on whose behalf he solicits charitable contributions in the United States."

In a letter he sent out to his supporters last Christmas, Mr. Wetterer referred to the American boy sent to his orphanage as one of "two gifts" he received from the United States Embassy in Guatemala. The second was a visit from U.S. Marines bearing gifts for children in his orphanage.

In that same letter, Wetterer asserted that the U.S. Embassy had previously placed at least three other U.S. residents at his orphanage in the past.

As unbelievable as this sequence of events may sound, it gets worse. On February 28, 1994, an American foreign service officer in Guatemala wrote Wetterer a "thank you" note on embassy stationery. This is the same embassy that had been involved in the efforts to either expel or extradite Wetterer. According to a report published in Newsday, when Justice Department officials asked the State Department to have the letter withdrawn, the U.S. Ambassador refused. Now Justice Department officials are concerned that these actions risk undermining the efforts being made by the Justice Department to apprehend and convict Wetterer.

What is going on here? On March 9, 1994, I wrote to Secretary of State Christopher requesting an explanation of this situation, but I have yet to receive a written reply. My staff has been informed that the State Department has neither referred this matter to its inspector general for investigation nor initiated any formal investigation to find out how this deplorable situation occurred and to take appropriate disciplinary action. Whether through ignorance or arrogance, the State Department's actions in this case are reprehensible. I have written a letter to the State Department's inspector general, requesting he immediately initiate a complete investigation of this matter.

What we have here is a situation wherein one hand of the U.S. Government has indicted Mr. Wetterer for sexually abusing children and is seeking his extradition, while the other hand is placing American children under the care of this man and writing him thank you notes. Just as in the Knox case, the administration is divided against itself. Just as the third circuit has done in the Knox case, we must ensure that justice is done. The administration must get the message that our children must be protected.

I ask unanimous consent that my letter to the Secretary of State and an article appearing in Newsday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, March 9, 1994.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I wish to bring to our attention a matter of great concern to me.

As you may know, a United States citizen by the name of John H. Wetterer has operated an orphanage (known as "Mi Casa") for boys in Guatemala since the late 1970s. On several occasions, according to press accounts, Guatemalan and U.S. authorities have alleged that Mr. Wetterer sexually abused boys at his orphanage. In 1991, Mr.

Wetterer was indicted by a federal grand jury in the Eastern District of New York for fraudulently collecting hundreds of thousands of dollars to support his alleged sexual abuse of children. The indictment alleges, among other things, that Mr. Wetterer used Mi Casa to "induce, entice and persuade the boys to submit to his sexual activities." (A copy of the indictment is attached for your review.) The indictment is still pending.

I was recently made aware of a letter signed by Mr. Wetterer. In the letter, which I have attached for your review, Mr. Wetterer states that the U.S. Embassy recently brought two boys to his orphanage which he refers to as, "gifts from the U.S. Embassy." The letter maintains that one of the boys is a U.S. citizen. If children were, in fact, delivered to Mi Casa with the assistance of any U.S. Embassy personnel, I find such action outrageous. While one hand of the federal government has indicted Mr. Wetterer for sexually abusing children, another hand may be placing children in Mr. Wetterer's care.

Please advise me whether anyone associated with the U.S. Embassy in Guatemala has, in fact, placed children in the care of Mr. Wetterer. If so, how many such children have been so placed, when and under what circumstances?

I trust that this matter will be given your immediate attention, and I look forward to hearing from you as soon as possible.

Sincerely,

WILLIAM V. ROTH, Jr.,
Ranking Minority Member, Permanent Subcommittee on Investigations.

[From Newsday, June 8, 1994]

NEW TWIST IN WETTERER CASE

(By Robert E. Kessler)

In what has become a major embarrassment for two federal departments, the U.S. embassy in Guatemala housed a homeless American boy at the orphanage run by a former Massapequa man alleged to have sexually abused boys at an orphanage he runs and raises money for in Guatemala.

Justice Department officials, who are prosecuting a fraud case against orphanage director John Wetterer, were astonished by the State Department's action this winter and concerned it may undermine their case, sources said. The officials were scheduled to meet in Washington late yesterday to discuss what to do next.

"At the very least, it looks as if one part of the United States government doesn't care what another part is doing; at the very worst, that one part of the United States government doesn't mind some accusations of a little child molestation," said one official involved in the situation.

State Department officials in Guatemala declined to comment. But sources said that Wetterer was the only person the embassy could find in what they described as an emergency to care for the 14-year-old, an American citizen, who was found living on the streets of a Guatemalan slum.

The boy stayed at Wetterer's Guatemala City orphanage, Mi Casa, for two months from December to the end of February before he was transferred to a foster home in Los Angeles, according to several sources. Federal agents in Los Angeles yesterday were seeking to locate and question the boy about how Wetterer treated him, according to the sources.

Wetterer was indicated in 1990 on mail fraud charges for allegedly falsely claiming in the United States that he raised money to help the more than 500 children at his orphanage. Based on interviews with former orphanage residents, Postal Inspector John McDermott wrote in a deposition supporting the indictment that Wetterer "regularly molests young boys who reside at Mi Casa, and on whose behalf he solicits charitable contributions in the United States."

Wetterer has denied all accusations, saying residents made up the stories because they wanted political asylum in the United States. Guatemalan courts have refused to extradite him, and Guatemalan authorities say their own investigation cleared him of molestation charges.

In a telephone interview Monday, Wetterer said that he did not feel any need to vindicate himself because he had done nothing wrong. But Wetterer said the situation was "rather ironic."

It showed that "American embassy people down here in country know more than Long Island post office" workers, he said. The investigators in the case are federal postal inspectors based on Long Island.

A high-ranking Justice Department official in Washington, who did not wish to be identified or quoted directly, said that the state department's actions have created a major problem in any future legal actions against Wetterer since it now appears that one branch of the government is, in effect, undermining the Justice Department's position.

In court papers filed in federal court on Long Island, Wetterer and his supporters are using the situation both to refute the charges brought against him and also to help recover $70,000 that had been seized from the orphanage's bank accounts in the United States. A federal magistrate in Brooklyn ruled two weeks ago that the money had been raised, mainly on Long Island, under false pretenses. But Wetterer's supporters are appealing the ruling.

In a letter to supporters he sent out last Christmas, Wetterer referred to the boy as one of "two gifts" he received from the United States embassy at Christmastime. The second was a visit by Marines from the embassy bringing toys, Wetterer wrote.

When the Justice Department first learned in February that the boy was sent to Wetterer's orphanage, a meeting was held in Washington to get Justice and State Department officials to act in unison, the justice official said.

But subsequent to the meeting, the official and other law enforcement officials said, the Justice Department learned that an American diplomat had sent a letter thanking Wetterer for his help with the boy, and also that wives of United States officials in Guatemala regularly volunteer at Mi Casa.

In the letter dated Feb. 28, foreign service officer Carolyn Gorman wrote to Wetterer on embassy stationery: "I would like to thank you for accepting the American citizen child . . . Thanks to your flexibility and willingness to help a child in a desperate situation, [he] was able to escape the dangerous environment in which he had been living for the past year."

Justice Department officials asked the State Department to have the letter withdrawn as an obvious mistake, since embassy officials had been involved in an unsuccessful attempt to get Wetterer extradited from Guatemala. But embassy officials declined, saying that the foreign service officers involved knew about Wetterer's background when they placed the child with him, according to several sources familiar with the situation.

State Department officials regularly kept in touch with the boy who assured them he was okay, the sources said. The sources said that the State Department could not bar wives of embassy officials from volunteering to help at the orphanage. Reached at the embassy, Gorman declined to comment.

SENATE RESOLUTION 222—COMMENDING THE UNIVERSITY OF ARKANSAS RAZORBACKS

Mr. BUMPERS (for himself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas the men's basketball team of the University of Arkansas at Fayetteville had an outstanding and successful season;

Whereas Arkansas Razorback Head Coach Nolan Richardson was the recipient of the 1994 Naismith Coach of the Year Award;

Whereas Arkansas Razorback Forward Corliss Williamson was named 1994 NCAA Final Four's Most Valuable Player;

Whereas the University of Arkansas and the Arkansas Razorbacks christened the newly erected Bud Walton Arena with their best season to date;

Whereas the Arkansas Razorbacks handed the Duke Blue Devils a 76–72 defeat, winning the 1994 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Razorbacks of the University of Arkansas at Fayetteville for having won the 1994 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 223—RELATING TO THE POTTAWATOMI INDIANS

Mr. INOUYE (for himself and Mr. SIMON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 223

Resolved, That S. 2188 entitled "A bill for the relief of the Pottawatomi Nation in Canada for the proportionate share of tribal funds and annuities under treaties between the Pottawatomi Nation and the United States, and for other purposes", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to inform the Congress of—

(1) whether the claims against the United States of the Pottawatomi Nation in Canada that would have been compensable under the Indian Claims Commission Act (25 U.S.C. 70 et seq.) but for the residence of the Pottawatomi Nation in Canada and outside of the territorial limits of the United States are legal or equitable in nature;

(2) the amount of damages (if any) that the Pottawatomi Nation in Canada would have been entitled to receive under such Act but for the residence of the Pottawatomi Nation in Canada and outside of the territorial limits of the United States that is payable to the Pottawatomi Nation in Canada in accordance with section 1(1) of S. 2188; and

(3) the amount of interest that is payable on the amount referred to in paragraph (2) in

accordance with section 1(2) of S. 2188, calculated at a rate of 5 percent per year.

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1993

D'AMATO AMENDMENT NO. 1778

Mr. D'AMATO proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, and principal shareholders.

MITCHELL AMENDMENT NO. 1779

Mr. MITCHELL proposed an amendment to amendment No. 1778 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

D'AMATO AMENDMENT NO. 1780

Mr. D'AMATO proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following: Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1781

Mr. MITCHELL proposed an amendment to amendment No. 1780 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

NOTICES OF HEARING

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on June 15, 1994, to review arms export licensing.

The hearing is scheduled for 9:30 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Rick Goodman at 224–2254.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, June 15, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Nutrition and Investigations will hold a hearing on S. 1614, Better Nutrition and Health for Children Act of 1993. The hearing will be held on Friday, June 17, 1994, at 10 a.m. in SD–562. Senator TOM HARKIN will preside.

For further information, please contact Mark Halverson at 224–3254.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on nominations pending before the committee. The hearing will be held on Monday, June 20, 1994, at 8:30 a.m. in SR–332.

For further information, please contact Christine Sarcone at 224–2035.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a field hearing on Tuesday, July 5, 1994, in Rapid City, SD. The hearing will be held at 1 p.m. in the Howard Johnson Hotel, 2211 LaCrosse Street, Rapid City, SD, to review the new Forest Service appeal regulations.

For further information, please contact Maureen McBrien at 224–2321.

NOTICE OF HEARING RESCHEDULING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Committee on Energy and Natural Resources on June 16, 1994, at 9:30 a.m. has been rescheduled. It will now take place on June 17, 1994, at 9:30 a.m.

The purpose of the hearing is to receive testimony on implementation of DOE's alternative fuel vehicle and fleet programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, at 10 a.m. on weather satellite convergence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, immediately following the 2:30 p.m. nomination hearing on S. 2132 and oversight and reauthorization of rail safety programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 14, 1994, at 2:30 p.m. on the nomination of Dharmendra K. Sharma to be Administrator of the Research and Special Programs Administration of the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate, 10 a.m., June 14, 1994, to receive testimony from Patricia Fry Godley, nominee to be Assistant Secretary of Energy for Fossil Energy, and Joseph F. Vivona, nominee to be Chief Financial Officer for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m. to hold a hearing on the World Trade Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, June 14, at 9:30 a.m. for a hearing on: Reauthorization of the FEMA Emergency Food and Shelter National Board Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, June 14, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business be permitted to hold a meeting for the purpose of marking up S. 1830 at 10:20 a.m. on June 14, 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 14, 1994, at 4 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling, and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, beginning at 9 a.m., to conduct a business meeting to consider the chairman's mark of the Superfund Reform Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADOPTION OF SENATE RESOLUTION 148, UNITED STATES POLICY TOWARD TAIWAN

• Mr. SIMON. Mr. President, I would like to thank the 40 cosponsors of Senate Resolution 148, which I introduced last October and which the Senate adopted by voice vote last Friday, as well as the four other Senators who asked to be associated with the resolution. The names of the cosponsors and Members associating themselves with the resolution appear at the end of this statement.

It is time to bring our relationship with Taiwan more into harmony with important United States commercial, security, and political interests in Taiwan. Taiwan, in contrast to the People's Republic of China, is democratic and prosperous, and has a positive human rights record. It vies with Japan as the world's largest holder and currency reserves, and it buys roughly twice the United States exports we send to the People's Republic. These facts speak for themselves. We should configure our policy toward Taiwan accordingly.

Senate Resolution 148 is important because of its timing as well as what it says.

It reaffirms the sense of the Congress contained in section 508 of the Foreign Relations Authorization Act, Public Law 103-236, which the President signed on April 30, to the effect that the United States should support Taiwan's participation in the United Nations and that the United States should be open to Cabinet-level exchanges with Taiwan. On May 16, the State Department issued a statement rejecting the section 508 language regarding high-level visits and Taiwan's participation in multilateral organizations. The State Department also lobbied against Senate Resolution 148 on grounds that it might offend Beijing on the eve of the President's decision to extend China's MFN status. Nevertheless, on May 25, the day before the President's announcement on China's MFN status, the Foreign Relations Committee adopted the resolution unanimously.

Soon, the administration may release the details of its long-delayed review of United States policy toward Taiwan. Most of us in the Senate hope that the policy review will provide for meaningful progress toward a more normal United States relationship with Taiwan which is more in keeping with United States interests. Senate Resolution 148 reminds the administration of the Senate's belief that support for Taiwan's participation in the United Nation and willingness to undertake Cabinet-level exchanges should be two significant elements of United States policy toward Taiwan.

Following are the 40 cosponsors of Senate Resolution 148: Senators REID, PELL, MOSELEY-BRAUN, WOFFORD, HOLLINGS, FORD, FEINGOLD, CAMPBELL, DECONCINI, LIEBERMAN, BOREN, BROWN, HELMS, CRAIG, GRAMM, LUGAR, GORTON, PRESSLER, MACK, NICKLES, JEFFORDS, MURKOWSKI, BURNS, CHAFEE, BOND, COATS, D'AMATO, SIMPSON, THURMOND, LOTT, WALLOP, ROTH, COHEN, DURENBERGER, GRASSLEY, GREGG, KEMPTHORNE, DOLE, HATCH, and COVERDELL.

Following are the four Senators associating themselves with the resolution: Senators INOUYE, SASSER, MCCAIN, and HUTCHISON.•

TRIBUTE TO MELVIN D. GEORGE, PRESIDENT, ST. OLAF COLLEGE

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Melvin D. George, who has served with distinction as president of St. Olaf College, Northfield, MN. President George is retiring this year after 9 years of leading this outstanding liberal arts college.

It is true that one of the primary missions of a college president is to raise the sights of the academic staff, draw alumni closer to the campus, and build the endowment to strengthen the college. Mel has accomplished all of that with great success. In addition, Mel George has been very instrumental in the establishment of the highly regarded Nobel Peace Prize forums.

But as president of St. Olaf, Mel George is also renowned for his relationship with students. He has an exceptional gift of connecting and interacting with students. Mel and his wife Meta host receptions for first year students that enable each student to get to know their president personally. Many students recall the time he stayed in the dorm with freshmen during orientation week. He is known to read students bedtime stories, upon request. His own favorite is Daniel Pinkwater's "Uncle Mel." And there was the time that Mel promised the 1993 graduating class that, should they reach their fundraising goal, he would shave their numerals in his head. He was able to keep that promise just in time for graduation and the college choir's trip to Norway, Austria, and Czechoslovakia.

Mel is an accomplished musician on a college campus filled with accomplished choristers, organists, and instrumentalists. Mel joins the tenor section of the chapel choir, plays flute from time to time in the college band, and has given a piano performance in a Mozart festival recital.

Another friend of mine, the late Fr. Colman Barry, who was president at St. John's University, my alma mater, said in a commencement address at St. Olaf in its centennial year, 1974, "For a college to preserve and impart a genius

of its own will be, fearfully, a very radical idea in the future. There is a danger that no more than a core corps of private colleges may survive as exceptions."

Mr. President, 20 years after Fr. Colman's speech, St. Olaf continues to impart its own special genius. It has done that through the leadership of Mel George. Through his tenure, Mel has affirmed the values of the college. He has prepared St. Olaf to face the 21st century with confidence. And this college will not lose touch with its source of strength and heritage, as a college of the Lutheran Church, it embraces a global perspective.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the last week, 18 people were killed in New York City by gunshot, bringing this year's total to 443.●

THE 50TH ANNIVERSARY OF FOUR FREEDOMS MONUMENT

● Mr. MACK. Mr. President, I rise today to commemorate the 50th anniversary of the dedication of the Four Freedoms Monument. This monument, located in Madison, FL, was erected not only to honor the first hero of World War II, but also to symbolize the rights and freedoms our country has fought to reserve for so many years.

The Four Freedoms Monument was inspired by the four freedoms outlined in a speech which Franklin D. Roosevelt made to Congress on January 6, 1941. It was in this speech that President Roosevelt coined the phrase, "Four Freedoms," citing the "four essential human freedoms: the freedom of speech and expression; the freedom of every person to worship God in his own way; the freedom from want; and the freedom from fear."

The monument is designed so that each of the four freedoms is represented by angels standing atop a square pedestal. The freedom of speech and expression is represented by an angel holding a scroll. An angel standing with hands clasped represents the freedom of religion and worship. The angel holding a bread basket represents freedom from want. The freedom from fear is represented by an angel bending a sword.

Fifty years ago today, the Four Freedoms Monument was dedicated to Capt. Colin P. Kelly, Jr., in recognition of being the first hero of World War II. On December 9, 1941, Captain Kelly, a native of Madison County, FL, and his crew in their B–17 bomber had just completed a successful raid on the flagship of the Japanese Third Fleet and was returning to Clark Field in the Philippines when they were attacked by several Japanese fighter planes. The bomber suffered severe damage, and Captain Kelly ordered the crew to bail out. Captain Kelly failed in a heroic attempt to land the crippled aircraft and was killed in the crash landing. Appropriately, Captain Kelly was named the first hero of World War II and the Four Freedoms Monument was dedicated in memory of this valor.

I know my colleagues join me in commemorating the 50th anniversary of the Four Freedoms Monument. It is an important symbol which stands for the bravery displayed by Captain Kelly, for the values and freedoms we as Americans have always fought to protect and for the true spirit of our Nation in the world today.●

TRIBUTE TO JIM BROCK

● Mr. DECONCINI. Mr. President, I rise today on behalf of all Arizonans to recognize the great loss of Jim Brock, one of the best college baseball coaches the game has ever seen. Sunday night, June 12, 1994, Jim passed away when he lost his fight against liver cancer. Jim will not only be remembered for the way in which he died, with dignity and compassion for those he left behind, but also for the way in which he lived, particularly the personal contributions, accomplishments, and pride that he brought college baseball fans.

The list of current and past baseball players he coached over the years is a veritable "Who's Who" list among professional ballplayers. Barry Bonds, Hubie Brooks, Floyd and Alan Bannister, Chris Bando, Alvin Davis, Mike Devereaux, Oddibe McDowell, Bob Horner, and many others learned professional and personal lessons from Jim Brock.

Over the course of his career, Jim was sometimes described as a hard, nononsense coach. However, if you were to ask his closest friends, they would describe him as a "softy," one that cared too much to show it.

Arizona State fans and adversaries alike have always had the utmost respect for his coaching abilities. Only recently have many begun to understand the man behind such a great program. In 23 years at Arizona State University, Coach Brock took the Sun Devils to the College World Series 13 times, winning 2 national titles. Sun Devil fans always hope to see their team in the College World Series and Coach Brock rarely disappointed them.

Jim Brock will live on in the history books as the seventh-winningest coach in major college baseball with 1,100 victories. He will live on in the hearts of his family, friends, and fans as a great husband, a great father, a great friend, a great coach, a great teacher, and a great citizen of Arizona.

Coach Brock, thank you for the wonderful memories.●

LINCOLNSHIRE GRAD WINS BIOTECHNOLOGY SCHOLARSHIP

● Mr. SIMON. Mr. President, I want to congratulate Daniel Ryklin, a senior at Adlai E. Stevenson High School in Lincolnshire, IL, who won a $1,500 scholarship for his essay entitled "How Will Biotechnology Affect the Lives of Individuals in the 21st century Through Medicine." Daniel plans to use the scholarship to attend Northwestern University this fall.

The winning essay was chosen from among 130 submissions from 29 different high schools located in 17 States. In addition to Daniel, seven other students received scholarship awards. The purpose of the competition was to encourage young people to learn more about the field of biotechnology, particularly how biotech applications do and will affect our lives. Students were asked to focus on one of these three areas: health care, agriculture, and the environment.

All of us in Illinois are proud of Daniel Ryklin for his achievement.●

CHINA'S RECENT NUCLEAR TEST

● Mr. SIMON. Mr. President, China's explosion of a nuclear weapon last Friday—its second test in defiance of an international moratorium on nuclear testing—demonstrates again that China is not a responsible member of the international community.

Like its nuclear tests, China's continued occupation of Tibet, destabilizing sales of missiles and advanced weapons to other countries, arrests of dissidents, suppression of trade unions, and exploitation of labor characterize a regime that puts its narrow and misperceived self-interest well ahead of international norms.

Experience has taught responsible governments—ours included—to refrain from testing nuclear weapons. They are no longer justified by national security requirements in the post-cold-war era. They stimulate an international climate characterized by the possibility of nuclear destruction.

China is an important country. If we are to treat it normally, and with full respect, it will have to behave responsibly. In 1993, I called upon President Clinton to consider suspending the sale of the Cray supercomputer that China so badly wanted, a highly complex computer that could be used for military purposes. I call again on the Clinton administration to devise a better response to China's refusal to join our nuclear moratorium than it has to date.●

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

EXECUTIVE SESSION

THE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 921 and Calendar No. 922.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that upon confirmation the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Michael K. Wyrick xxx-xx-xxxx Regular Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Arlen D. Jameson xxx-xx-xxxx U.S. Air Force.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:15 a.m. on Wednesday, June 15; that, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each with the following Senators recognized for the time limits specified and in the order listed, if present: Senator MURKOWSKI for up to 10 minutes; Senator BRADLEY for up to 20 minutes; and Senator LEAHY for up to 15 minutes; and, that at 10 a.m. the Senate resume consideration of S. 1491, the Airport and Airway Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Madam President, and Members of the Senate, as I indicated earlier today, at 10 a.m. Senator D'AMATO will be present to offer another amendment, and brought pursuant to an agreement which we have reached. A designee of mine will be present to then offer a second-degree amendment to that amendment, and debate will then occur on those amendments.

Since we have not yet received a copy of Senator D'AMATO's amendment, there is likely to be a brief period of time after he offers the amendment before the second degree is offered so we can review his amendment and prepare an appropriate second-degree amendment to it. Debate will then follow on both of those amendments, and I expect a vote to occur on my amendment to be offered by my designee. However, no votes will occur prior to 11:15 tomorrow, as a number of Senators will be attending a meeting at the White House and engaged in other activities.

CORRECTION OF RECORD

Mr. MITCHELL. Madam President, during debate on the pending matter, I referred to a provision dealing with immunity of witnesses which was contained in the resolution passed by the Senate on March 17. I inadvertently omitted the last clause of that provision. I was relying on statements on the subject which had been made on March 9 by Senators D'AMATO and COHEN and Special Counsel Fiske to the effect that immunity would not be granted under any circumstances. Even though inadvertent, the omission was regrettable. I did not learn of it until much later, and I am pleased now to make this correction.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:29 p.m., recessed until tomorrow, June 15, 1994, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate June 10, 1994, under authority of the order of the Senate of January 5, 1993:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

THOMAS W. GRAHAM, JR., OF MARYLAND, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT MATTERS, UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, WITH THE RANK OF AMBASSADOR, VICE PAUL H. NITZE.

Executive nominations received by the Senate June 14, 1994:

FARM CREDIT ADMINISTRATION

DOYLE COOK, OF WASHINGTON, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR THE TERM EXPIRING MAY 21, 1998, VICE HAROLD B. STEELE, RESIGNED.

IN THE ARMY

COL. ANTHONY E. HARTLE FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE U.S. MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B).

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER OF THE U.S. MARINE CORPS FOR PERMANENT PROMOTION TO THE GRADE OF MAJOR UNDER SECTIONS 624 AND 628 OF TITLE 10, UNITED STATES CODE:

To be major

CAPT. JOHN C. BURLINGAME xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTIONS 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. HUNTER E. BLACKMON, xxx-xx-x... 2/5/94
MAJ. STEVEN R. BLATT, xxx-xx-x... 2/22/94
MAJ. LARRY R. BORTON, xxx-xx-x... 2/6/94
MAJ. JERRY L. CARROLL, xxx-xx-x... 2/16/94
MAJ. STEPHEN W. DEE, xxx-xx-x... 2/6/94
MAJ. EUGENE J. DELGADO, xxx-xx-x... 2/4/94
MAJ. RAYMOND A. EBERLING, xxx-xx-x... 3/4/94
MAJ. DONALD N. EDMANDS, JR., xxx-xx-x... 1/30/94
MAJ. TONY K. EPLER, xxx-xx-x... 3/4/94
MAJ. DANIEL D.J. FOREMAN, JR., xxx-xx-xx... 1/2/94
MAJ. ANITA R. GALLENTINE, xxx-xx-x... 1/22/94
MAJ. NICOLAS J. GUTIERREZ-JIMENEZ, xxx-xx-xx... 2/4/94
MAJ. DAVID W. HURSH, xxx-xx-x... 1/8/94
MAJ. JAMES F. JENKINS, xxx-xx-xx... 2/13/94
MAJ. ROBERT N. KIRBY, xxx-xx-x... 3/4/94
MAJ. JACKIE N. KNIGHT, xxx-xx-x... 2/23/94
MAJ. JOSEPH E. LAMENDOLA, xxx-xx-x... 1/27/94
MAJ. PAMELA J. LONG, xxx-xx-x... 2/13/94
MAJ. DAVID F. MCNEILL, JR., xxx-xx-xx... 1/15/94
MAJ. BENJAMIN V. PETRONE, xxx-xx-x... 2/6/94
MAJ. SCOTT C. RAE, xxx-xx-x... 2/13/94
MAJ. JOHN H. REED III, xxx-xx-x... 1/27/94
MAJ. ALLEN G. REEVE, xxx-xx-x... 2/11/94
MAJ. MICHAEL L. ROBBINS, xxx-xx-x... 1/14/94
MAJ. EDOUARD D. SENDRAL, xxx-xx-x... 2/1/94
MAJ. ALAN L. STEEFES, xxx-xx-x... 2/22/94
MAJ. EDMUND H. STERN, xxx-xx-x... 3/4/94
MAJ. KURT W. SYER, xxx-xx-x... 2/17/94
MAJ. GERAND L. WALKER, xxx-xx-x... 2/23/94
MAJ. SHERI L. WETEKAM, xxx-xx-x... 2/18/94
MAJ. LARRY D. WILSON, xxx-xx-x... 2/6/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. DOUGLAS B. ROBINSIN, xxx-xx-x... 2/5/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. ERIK L. SMITH, xxx-xx-x... 2/2/94
MAJ. TIMOTHY R. WILLIAMS, xxx-xx-x... 1/21/94

BIO-MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. WILLIE H. CHILDRESS, xxx-xx-x... 2/6/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. DAVID B. SILLS, xxx-xx-x... 2/5/94

DENTAL CORPS

To be lieutenant colonel

MAJ. ERIC C. SCHLANSER, xxx-xx-x... 2/18/94

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

CHARLES F. ADAMS
DAVID P. ADKISON
DANIEL ALBRECHT
THOMAS A. ALLINGHAM
STEVEN L. BAILEY
RICHARD A. BEANE
DAVID J. BEARDSLEY
MARK A. BEATTIE
JENNIFER S. BERG
JEFFERY D. BONDESSON
JOHN L. BOSSIAN, JR.
OSCAR S. BRANN
WAYNE A BREER
JEFFREY R. BRINKER
JAMES D. BRUCKNER
WILLIAM T. BUSCH
LYDIA CANAVAN
DANIEL J. CARUCCI
VICTORIA A. CASSANO
JONATHAN E. CAYLE
ARNOLD R. CHRISTOPHER
JOHN P. CLAYTON
FREDERICK J. COLE
JOHN J. COLLINS
KELLY R. CONATY
DAVID H. COOK
TIMOTHY J. CRAIG
SUSAN CROWLEY
JERRI CURTIS
JOHN C. DANIEL
PAUL DATO
JOSEPH W. DEFEO
KEVIN DELAHANTY
DAVID M. DELVECCHIO
JEFFREY M. DESIMONE
THOMAS A. DOWGIN
JAY DUDLEY
RODNEY A. DUNSEATH
KIRK T. ECKLUND
RICHARD W. EMERINE
CLINTON F. FAISON
LESLIE H. FENTON
WESTBY G. FISHER
RANDALL C. FLOYD
RILEY D. FOREMAN
HAROLD A. FRAZIER
KATHLEEN A. FRECHEN
ALBERT T. GILPIN
JOHN D. GOBER
ANTHONY GOETTING
JOHN GORMAN
JAMES E. GREENSMITH
THOMAS A. GRIEGER
BARTON C. GUMPERT
STEVEN J. HAGER
GREGORY A. HAINES
WILLIAM J. HALL
ANDREW R. HAMILTON
JOHN C. HARRINGTON
DAVID L. HIGGINS
RANDALL D. HIGHTOWER
KAREN J. HOFFMEISTER
MICHAEL R. HOLTEL
WHITNEY H. HOWARD
KATHERINE L. IMMERMAN
GYDIA JEFFERSON
IGOR A. JERCINOVICH
NATHAN H. JORGENSEN
DIANE L. KALLGREN
RICHARD M. KEATING
MICHAEL A. KEEFE
LAURENCE R. KELLEY
THOMAS J. KERSCH
ELIAS E. KHALFAYAN
THOMAS J. KILLIAN
KELLY K. KOELLER
ROSS S. LEVINE
DIANE C. LUNDY
CYNTHIA T.I. MACRI
LAUREL A. MAY
TIMOTHY D. MCGUIRK
DOUGLAS H. MCNEILL
JOHN A. MCQUESTION
ROGER J. MCSHARRY, JR.
PAUL G. MERCHANT
RICHARD C. MILLER
MARC E. MITCHELL
JOHN F. MONROE
STEPHEN E. MORROW
GORDON S. MOSHMAN
NATHAN H. MULL IV
GERALD S. MURPHY
THOMAS A. NEWTON
NIPONT N. NITA
RUSSEL J. OLSON
RALPH C. PENE, JR.
GEORGE M. PEREZ
RICHARD S. PERREN
ROBERT H. PETTY
JOHN K. PFAFF
KATHLEEN M. PIACUADIO
MARK PICKETT
PAUL J. PONTIER
KEVIN R. PORTER
EDWARD J. POSNAK
GREGORY N. POSTMA
JAMES C. POWERS
JAMES L. ROBERTS
DOUGLAS H. ROBINSON
STEPHEN L. ROBINSON
ALAN E. ROLFE
DANIEL G. ROSS
GLENN ROSS
TIMOTHY S. ROUSH
KENNETH M. SAMPLE
JOSE SAMSON
JEFFREY M. SANDLER
DAVID F. SCACCIA
STEVEN SCHALLHORN
CARL T. SCHLEICH
CHRISTOPHER P. SCHMIDT
GEORGE J. SCHMIEDER
GERALD S. SCHOLL
PETER F. SHARKEY
TRUEMAN W. SHARP
ANN M. SIEFERT
DOUGLAS D. SLATEN
MARK L. SOBCZAK
ERIC W. SPAK
MICHAEL Q. STEARNS
DAVID J. STROH
LISA A. SWANN
FRANCIS M. SWEENEY
LESLIE J. TENARO
ROBERT P. THIEL
ELVIRA TOMESCU
PETER K. TRUE
ELMO G. TUCKER
KENNETH W. TUTTLE
DOUGLAS C. WALLACE
ROBERT D. WALLACE
SHARON K.N. WALLACE
HENRY C. WONG
JAMES M. WOODWORTH
ROBERT A. WYMER
SCOTT L. YAGEL
ANN K. YOSHIHASHI

SUPPLY CORPS OFFICERS

To be commander

HENRY C. BALANZA
DOUGLAS R. BALLOU
KENNETH C. BITTER
MAX A. BLACK
JIMMY BOBBITT
JEFFREY D. BRADLEY
JOHN D. BREWSTER, JR.
WILLIAM A. BROWN
RODNEY E. BRYANT
WOLFGANG J. BUCK
STEVEN G. CARVER
CHRISTOPHER A. CLAYTON
BRIAN J. COWAN
CURTIS G. STEVENS
CHARLES F. DONNEY
JOHN M. DOSWELL
ROBERT F. DUDOLEVITCH
KATHLEEN M. DUSSAULT
JOSEPH J. EBLE
DAVID C. ENGLAND
BENNY A. FEGURGUR
WILLIAM W. FIFTER
ROBERT M. FINK
GERALD L. FRANCOM
VON W. FREEMAN II
LOUIS J. FRYMIRE, JR.
JOHN LOUP GEBHART
DOMINGO GONZALES
CHRISTOPHER M. GRABARZ
RUTH GRAHAM
BASIL F. GRAY III
DANNY R. GRENIER
GARY G. GUSTAFSON, JR.
JAMES A. HAJEK
MARK F. HEINRICH
JAMES C. HOGE
KARL W. JENSEN
ARTHUR W. KING III
JOHN R. LANTELME
CHARLES M. LILLI
MICHAEL T. MADDEN
GEORGE A. MARENTIC
GREGORY MARTIN
JOHN J. MARTIN
MICHAEL P. MARTIN
MICHELLE M. MCATEE
JON E. MCIVER
DONALD C. MCNEELEY, JR.
WILLIAM V. MILHEIM
JOHN I. MORRIS
RONALD S. MOSLEY
EDWIN E. MYHRE
JAMES P. NABER
EDWARD P. NARANJO
CRAIG W. O'CONNOR
ROBERT J. PALMQUIST
KENNETH A. PIERI
NICHOLAS D. PISANO
WILLIAM J. PLATT
STANLEY Z. PRICE
LANE L. PRITCHARD
DONALD E. RATTZ
DONALD J. REITER
JERRY L. ROGERS
JOSEPH SCARPA
DON F. SCHADE
FRED O. SCHELLHAMMER
NEIL E. SEIDEN
RORY L. SOUTHER
SUZANNE K. SPANGLER
WILLIAM D. SPROW
JOSEPH E. SPURGEON
PAUL C. STANFIELD
THOMAS J. SUMMEROUR, JR.
JOHN M. SZYDLOSKI
MICHAEL L. SZYMANSKI
EDWIN A. VICTORIANO
STEPHEN R. VONHITRITZ
DENNIS E. WILSON
RANDY A. WOLF
MICHAEL W. ZABAROUSKAS

CHAPLAIN CORPS OFFICERS

To be commander

BARRY W. BRIMHALL
TERRY W. COOK
DONALD M. CRAMBLIT
GARY A. DALLMANN
ULYSSES DOWNING, JR.
THEODORE W. EDWARDS
CHRIS E. FOSBACK
KELVIN C. JAMES
DUDLEY V. JOHNSON, JR.
RICHARD B. LEIBOVITZ
DONALD F. LEROW
WILLIAM P. LESAK
JAMES JOSEPH MACNEW
EDWARD L. MILLINER, JR.
BERTRAM E. MOORE, JR.
SAMUEL F. MORGAN
TOMMY B. NICHOLS
RICHARD A. PUSATERI
CURTIS D. SCHMIDTLEIN
BRIAN L. SIMPSON
RONALD A. SOUTIERE
VIRGIL J. TILLMAN
RICHARD C. YAGESH

CIVIL ENGINEER CORPS OFFICERS

To be commander

ALBERT J. BANKS, JR.
PAUL BOSCO
MARGARET L. BROWN
KENNETH P. BUTRYM
RONALD J. CLARK
THOMAS M. DESTAFNEY
MICHAEL P. DOYLE
WILLIAM S. DUFFY
ROBERT W. EADIE
STEPHEN T. ECKEL
FREDRICK K. GERHEISER
WILLIAM K. GRAY
ALVIN E. GRIMMIG, JR.
BRIAN K. HARRIS
THOMAS S. HOLLINBERGER
KHALID C.R. KHAN
ROBERT H. KING
PAUL M. KUZIO
LARRY D. LINN
LARRY J. MACIAS
RICHARD L. MARRS
DAVID W. MATHIAS
KENNETH G. MONCAYO
MICHAEL J. MURTHA
MERRITT W. PEDRICK III
SAMUEL J. PENA
STUART E. PERRITT
JAMES E. POWER
ROBERT B. RAINES
CHRISTOPHER J. ROTH
WAYNE G. SHEAR
WILLIAM F. SMITH, JR.
ALAN M. TERPOLILLI
DOUGLAS P. TOMLINSON
FREDERICK G. TRUMMER
DAVID L. WATTS
DENNIS W. WILBORN
CHRIS M. WILLIS

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

ALBERT A. ABUAN
JAMES N. BOND
CARLETON R. CRAMER
JANET L. FISHER
JOYCE E. KING
CHARLES A. MEADE
DAVID M. MORRISS
CAROL G. RICCIARDELLO
WILLIAM F. ROOS
ROGER D. SCOTT
DONALD J. SHERMAN
PETER J. STRAUB
DAVID A. WAGNER

DENTAL CORPS OFFICERS

To be Commander

HOWARD H. ANDERSON
MICHAEL A. ARROW
WILLIAM H. AYERS
THOMAS M. BARANSKY
LANCE S. BAUMGARTEN
GREGORY S. BENSON
CURTIS R. BERGEY
RONALD L. BIXLER
JAMES M. BOYLE II
TIMOTHY J. BRADY
PAUL T. BROERE
TERRILL L. BROWN
MICHAEL J. CHUTICH
MARTIN T. CLARK
STEVEN R. CLARKE
DENNIS J. CONLON
PAUL R. DAVID
CHARLES L. EDWARDS
KIRK F. ENGEL
JOHN FIDLER
ROBERT K. FRISK
GODFREY J. FUNARI
GARY J. HAMMOND
DAVID W. HAMULA
JEFFREY V. HAYS
ROGER A. HOUK
KENNETH HUNTER
MARY E. JOHNSON
KIRK D. KALLANDER
KEVIN S. KAMINSKE
JAMES V. KEENAN
ROBERT L. KENNEY
TODD C. KINCER
KENT G. KNUDSON
SUSAN D. LEARY
TERRANCE C. LEARY
MICHAEL E. LEVINE
JOHN A. LEWIS
MICHAEL T. LEWIS
JAMES H. MANN, JR.
JAMES S. MATTHEWS
MICHAEL F. MCNAMARA
JON MOLES
GREGORY MORANDO
MARY A. MUELLER
SCOTT S. NAGATANI
GREGORY G. NELSON
EDWARD J. NIEBERLEIN
MARK P. ORTH
GREGORY E. OXFORD
DAVID K. OYSTER
JOHN S. PAUL
SCOTT R. PECK
ANDREW D. PETERS
LEO PRUSINSKI
JAMES C. RAGAIN
BRUCE A. RANNIN
ROBERT S. RHODES
JOSEPH E. RUSZ, JR.
JIMMY M. SAIKU
ROBERT W. SCHUTT
ROBERT G. SHERMAN
ROBERT TAFT
MELANIE A. TARY
DARRYL L. TAYLOR
EDGAR W. TURNER
JAMES J. WARE
FRANK H. WHITE
LARRY N. WILLIAMS
STEVEN M. WOLFF
ROBERT L. WREN
ANDREW K. YORK II
FREDERICK G. YOUNG

MEDICAL SERVICE CORPS OFFICERS

To be commander

WILLIAM J. ADAMS
VONDELL ALLRED
ANDREW H. BELLENKES
CHARLENE D. BRASSINGTON
RICKY BROWN
ERIN H. CARLSON
JOHN S. CLASS
FRANK L. CRYMES
MICHAEL E. DOBSON
RICHARD C. FOSTER
ARTHUR W. FOX
CONNIE A. GLADDING
NANCY N. GODFREY
GLENN M. GOLDBERG
CHARLES E. GUNN
RICHARD L. HABERBERGER
RICHARD J. HACKMAN
THOMAS W. HALLIWELL
RANDAL G. HELLER
TRENA J. HENSON
PAUL M. HOFFMAN
ROBERT M. KELLOGG
SHARI H. KIRSHNER
KELLY J. MCCONVILLE
GLENN E. MCNEES
CHARLES F. MERBITZ
RAHN Y. MINAGAWA
KATHLEEN L. NAWN
ROBERT L. NETZER
ELIZABETH A. NOLAN
JAMES A. NORTON
CHARLES P. J. PUKSTRA
WILLIAM H. ROBERTS
RICHARD S. SAVOY
AL L. SORENSEN
WILLIAM R. STOVER
SHARON R. THOMAS
DAVID C. THOMPSON
RICHARD J. THOUNE
JOHN G. WALLACE, JR.
STEPHAN R. WILSON
HARRIS WYATT
LAWRENCE ZOELLER

NURSE CORPS OFFICERS

To be commander

WILLIAM E. ALLEN
KATHRYN M. BEASLEY
TERESA A. BOHUSZ
SALLY A. BULLA
DENNIS J. BUTTERWORTH
MARY E. CHAIMOWITZ
JEAN S. COHN
TERRY M. COOK
RANDEEN L.CORDIER
CATHERINE L. COSTIN
PATRICIA H. CRADDOCK
THERESA A. DANSCUKSLOAN
JOHN M. DELISLE
JAN H. DOUGLAS
MICHAEL R. ESLINGER
ANTHONY ESPOSITO
JUDITH A. FIDELLOW
JACQUELYN M. FINLEY
JAMES R. FRALEY
DAWNE C. GABRIELSON
KEVIN J. GALLAGHER
PATRICIA J. GOODIN
ANDREA M. HARGRAVES
PHILLIP L. HARRISON
SUSAN B. HERROLD
MARGARET A. HOLDER
DIANA M. HOLMES
RICHARD J. HREZO
JUDITH J. HUDDLESTON
DENNIS L. JEPSEN
OFELIA B. JEPSEN
CAROLYN A. KELMECKIS
DENISE R. LAUER
STEPHEN K. LINDSEY
BARBARA B. LONG
KAREN MAHER
CYNTHIA L. MASSIE
JANE E. MEAD
PAULA L. MILLER
PATRICIA A. MILLINGTON
JEANNETTE C. MOORE
CAROL J. MORONES
ELIZABETH S. NIEMYER
ERNESTO E. ORNELAS
ELLEN L. ORR
MARY E. OWENS
KATHY A. PARE
ROBERT A. PETERSON
FAYE M. PYLES
SANTIROGERS DARLENE
GRACEANN E. SCHARTNER
SHARON R. SEBBIO
NANCY J. SILKI
NANCY A. SIMMONS
LISA D. STEPHENS
AMY L. SUGGS
PAULINE L. SUSZAN
MICHAEL S. TIERNEY
JENNIFER L. TOWN
TERESA S. TRIPP
CHARLES A. VACCHIANO
JEFFREY J. VIAU
RICHARD A. VROMAN
CATHERINE A. WILSON
MARGARET G. WILSON
MARCIA I. WINCHESTER
JULIE G. WOODRUFF
DANNY G. WRIGHT
KATHLEEN J. YOUNG
BARBARA J. ZUELZKE

LIMITED DUTY OFFICERS (STAFF)

To be commander

GREGORY HLINKA
AUBREY E. LANE

CONFIRMATIONS

Executive nominations confirmed by the Senate June 14, 1994:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. MICHAEL K. WYRICK, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ARLEN D. JAMES. N[redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1758. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians; and

S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not exceed 30 minutes, and each Member, other than the majority and minority leaders, limited to 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

THE THREAT FROM NORTH KOREA

Mr. RICHARDSON. Mr. Speaker, in this country we have politicized the Bosnia issue, we have politicized Somalia, we have politicized the Haiti issue. But, Mr. Speaker, let us not politicize the North Korean issue. Here is an opportunity where the Congress and the President can act in concert along with the international community.

Mr. Speaker, yesterday North Korea moved a step closer to disastrous confrontation with the rest of the world by announcing its withdrawal from the International Atomic Energy Agency and by banning IAEA inspectors from its territory. Although they have not yet carried out their threat, this is a very, very serious provocation that could fatally compromise the administration's efforts to resolve the nuclear dispute peacefully.

Mr. Speaker, the Clinton administration has tried to keep diplomacy alive with our Asian allies, but we must not flinch. We should proceed now with a plan to ask the U.N. Security Council to enact a series of phased sanctions.

Mr. Speaker, as the world moves toward sanctions, it cannot afford to abandon diplomacy. In this connection we have to act in concert with Japan. We have to act in concert with South Korea. And we have to ask our friends in China to help. The President has gone out on a limb and said that he wants to extend MFN to China in light of China's miserable human rights record. He has gambled and said that he is ready to proceed with that relationship. Now it is up to China to show that it is a responsible member of the international community and work with the West in order to help Asia and to moderate North Korea's behavior.

Mr. Speaker, North Korea has been lying. They have been playing games with, not just the IAEA, but with their allies in Asia, with the United Nations, and with the United States, all of whom have acted in good faith. Mr. Speaker, even though Pyongyang continues to assert that its nuclear program is peaceful and that the whole crisis can be resolved by the direct talks with the United States, the United States should be careful to engage in an effort that does not include our allies in Asia. It is very important that we proceed with negotiations, but these negotiations should be multilateral. They should involve our Japanese friends. They should involve South Korea. And I think the Congress is going to be watching to see what China's role is on this issue.

But, Mr. Speaker, the reason that I have taken the floor this morning is to say, "Let's not politicize the North Korea issue. U.S. vital interests are at stake. The lives of American troops are at stake. The stability of Asia is at stake. The future of Japan and South Korea is at stake. The relationship the outside world has with China is at stake. North Korea has sent a provocation, and we must not blink, but at the same time we should pursue every diplomatic and other initiative to ensure that we don't end up in a conflagration in that part of the world. We don't have vital interests as strong in Bosnia, or Haiti, or Somalia. But there is no question that we do in North Korea."

Mr. Speaker, North Korea is courting confrontation. While we must not blink, it is critically important that the Congress in a bipartisan fashion support the good, sensible policy that the administration is following.

Mr. Speaker, this morning our Nation and our allies face a very real threat from North Korea. As we all know, North Korea recently announced that it planned to withdraw from the International Atomic Energy Agency, the IAEA. The Pyongyang government also announced that it was banning IAEA inspectors from its territory.

This move is a very dangerous one that moves North Korea a step closer to a dangerous confrontation with the rest of the world. Our dispute with North Korea is very deep and longstanding. North Korea appears to be systematically working to develop and sell both nuclear weapons and missiles that carry those nuclear warheads.

I don't believe that we, as a nation, are overreacting. In fact, I believe that North Korea's actions over the last 10 years demonstrate the seriousness of this issue. These are the facts. North Korea is building larger nuclear reactors and plutonium separators that have only military capabilities. If all goes as they plan, North Korea will most likely have the ability to produce enough plutonium to build 10 bombs a year by the turn of the century.

Mr. Speaker, President Clinton is currently involved in a diplomatic effort to resolve this dispute with North Korea peacefully. Obviously, the stakes are very high and the recent actions by North Korea make that effort much more difficult. Nonetheless, he is on the right track. In a nonpartisan, well-concocted effort, President Clinton is attempting to resolve the conflict diplomatically. He is leading the world and, last week, the IAEA announced that it would suspend most international technical assistance to Pyongyang. China did not oppose that move and now we must continue to encourage the U.N. Security Council to impose sanctions on North Korea. In addition, President Clinton has dispatched former President Jimmy Carter to South and North Korea. President Carter will meet with Kim Il-song, North Korea's leader, to lay out what the North has to gain from participating in the IAEA and abandoning its nuclear program.

Mr. Speaker, without a diplomatic solution, North Korea poses a grave threat to South Korea, Asia, the Middle East, Europe, and the United States. President Clinton's efforts are on target and will, hopefully, bear fruit.

THE NORTH KOREAN SITUATION

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. MCCOLLUM] is recognized during morning business for 5 minutes.

Mr. MCCOLLUM. Madam Speaker, I rise today to note that we are approaching an auspicious anniversary, one that is taking on a terrifying relevance. On June 25, 1950, 60,000 troops from North Korea crossed the 38th parallel, invaded South Korea and began the Korean war. It was a war that involved over 20 nations and cost millions of lives, including almost 34,000 Americans killed. Some have called the Korean war of 1950–53 the forgotten war, but Madam Speaker, the memories are now beginning to recur.

We face on the Korean Peninsula the most ominous developments. The unstable dictator Kim Il-sung, the very man who launched the 1950 conflict, is passing the baton to this equally unstable son. Against this backdrop, North Korea is developing nuclear weapons, and indeed, as a Republican terrorism task force report that I am submitting to the record will show, may already have several weapons and the means to deliver them.

In addition to all of this, the Pyongyang regime is playing a diplomatic cat and mouse game. First North Korea signs the nuclear nonproliferation treaty, then it threatens to withdraw from that very same treaty. First Pyongyang agrees to allow its nuclear facilities to be inspected, then it threatens to expel the inspectors already in North Korea and indeed it goes so far as to quit the International Atomic Energy Agency.

Madam Speaker, this is the most dangerous game, and it pains me to say that the danger has increased because of the actions of this Government and this administration. We have, as Churchill said, decided to be indecisive and to be resolute in our irresolution. First, we proclaimed that we would not allow North Korea to become a nuclear state, then we declared that we would permit the north to have a few weapons. We make threats and then back down with compromises and soothing words. And this follows a foreign policy pattern of vacillation and confusion by the Clinton administration all around the world. How can we expect the North Koreans to believe the President when he does talk tough?

Madam Speaker, American men, 30,000 strong, of the United States 2d infantry division, are sitting on the most precarious border in the world, and President Clinton vacillates and dithers, confusing our friends and encouraging our foes. My colleagues, this is not foreign policy, it is confusion and it must come to an end before it gets us into an unnecessary war.

At the present time, the North Korean Armed Forces are on their highest war footing in 20 years. The Pyongyang regime has threatened that if we impose economic sanctions there will be war, and that Seoul, South Korea's Capital, will be turned into a sea of fire. Against this, the President has taken few concrete steps, and predictably, our allies, without our leadership, have been left in total and utter confusion. They are, and not without reason, unsure of our leadership and consequently the whole of Northwest Asia is in crisis.

The President and the American people must review the facts. We have mutual security treaties with Japan and South Korea, as binding as those we have with our NATO allies. If either state is attacked, it must be considered, by this government, as an attack upon the United States. Madam Speaker, the President and public must know, this is not an option, we are committed.

Thus, we must insist that our allies adopt a course of action that is consistent with both their security needs and our treaty obligations. South Korea must be assured of our support and end its own diplomatic dance. The Seoul regime has tried appeasement and then a resolute stand. Now South Korea must be assured of our support and then encouraged to take a firm position. the concessions to North Korea must end and the Pyongyang regime warned that its threats will not go unanswered.

We must also turn to our allies in Japan. We must tell them that the time for diplomatic sweet talk is over and that no amount of pacifism will protect them should North Korea gain a credible nuclear force. To that end, they must join with us in tough economic sanctions against the North and bring full diplomatic pressure to bear on the People's Republic of China to follow suit.

I must also digress, at this moment, to make one more point.

We face at this moment with our friends in Japan a great irony. As the Japanese Constitution now stands, the Japanese military, unless directly attacked, cannot support the United States in any action other than peacekeeping. This is absurd. Thus it is time for Japan to amend her Constitution, which was our handiwork, to allow her to join with us in defending the security of the Far East. I am mindful that this cannot be done overnight, that the pacifism of the Japanese people is deeply rooted in the memories of Hiroshima and Nagasaki, and I am mindful of the security implications of what I suggest.

Nonetheless, it is time the other nations of the Far East realize that Japan is a great power and that she must play a role in the world equal to her economic might. We must assure them that a rearmed Japan—a nation that already is the sixth largest military spender in the world—is no threat to their security. What is more, it is time that the Japanese people recognize that while we in the United States will always be their friend, it is their first obligation, and not ours, to defend their own country, or at least to stand beside us while we help defend them.

In any case, that is for the future, for the moment we must deal with the crisis at hand. thus, we must begin to deploy stronger forces to South Korea. In the Persian Gulf war it took us nearly 6 months to deploy our forces. If North Korea should attack, particularly if she has nuclear weapons, we may not get that breathing space. Thus, we must move quickly to bolster our forces and organize our supply networks both so that our deterrent is credible and so that lives may be saved if it should come to war. Indeed, I would go so far as to say that we must prepare the American people for the possible use of tactical nuclear weapons by U.S. forces, though, of course, I hope it does not come to that.

We must then warn North Korea that if she attacks, her forces will be defeated and her regime will not be allowed to survive. From that point on we must begin to demand that North Korea accept the regimen of the Nuclear NonProliferation Treaty or face the consequences of a slowly strangulating economy and ever tougher sanctions.

Madam Speaker, I quoted Winston Churchill once and I should like to do so again. That Great British statesman once said, "We shall see how the counsels of prudence and restraints may become the prime agents of mortal danger; how the middle course adopted from desires for safety and a quiet life may be found to lead right to the bull's eye of disaster." It is time that our allies, and most of all our President, remember that terrible lesson, paid for with the blood of thousands of Americans, and begin, at last, to recognize the reality of the danger facing us in northwest Asia.

Now I must add the footnote that we would not be in this terrible position if the Democrat leadership in Congress had not killed the Strategic Defense Initiatives of Presidents Reagan and Bush. With SDI we would have been able to shoot down nuclear missiles launched anywhere in the world, but we have no SDI and must look down the barrel of direct nuclear confrontation.

NORTH KOREA'S NEW BALLISTIC MISSILES

A close examination of the North Korean involvement in the ballistic missile development program in Iran, as well as the record of the joint missile development effort between the DPRK and the PRC, provides strong evidence that North Korean ballistic missile technology is far more advanced than the recent reports suggest. The following

paper will briefly outline the latest developments regarding North Korea's missile program, placing an emphasis on the Chinese-North Korean connection.

The current DPRK ballistic missile program has four distinct operational components (not counting the brief Sino-North Korean development of the DF-61 in 1975-76):

1. Reverse engineering and modest modification of the basic Soviet R-17E (SCUD-B)—the NK-SCUD-B and NK-SCUD-C.

2. Major up-grading and improvement of the basic Soviet design principles and technologies in medium-range SSMs—the NoDong-1, NoDong-1 up-grade, and NoDong-2.

3. A new generation of two-stage intermediate range ballistic missiles largely based on integration of relatively advanced, though fully proven, Chinese technology—the TaepoDong-1 and TaepoDong-2, and;

4. A new generation of multiple-stage long range ballistic missiles based on the latest Russian and Chinese technologies—the NoDong-X.

MISSILE DESIGNS

The NoDong family of SSMs represent a very straightforward form of engineering technology. The NoDong-1 itself is a direct outgrowth of basic NK-SCUD-C technology and has a range of 1,000 km with an 800-1,000 kg warhead. Additionally, the NoDong-1 was modified, mainly for use by Iran, to reach a 1,300 km range and to be equipped with a nuclear warhead.

The NoDong-2 is the product of a several-phased development of the NoDong-1. The current NoDong-2 is the result of subsequent refinements of the basic model designed in order to strengthen the missile-cone and increase the payload. Consequently, the NoDong-2 has a range of over 1,500 km with a 800-1,000 kg warhead, reaching up to 2,000 km with a smaller warhead of 500-800 kg.

By contrast, the TaepoDong family of SSMs are the first of a new generation of two-stage SSMs that rely heavily on the integration of relatively advanced Chinese technology. The most significant components of this weapon are mainly pumps for the clustered rocket engines and stage separation technology. That said, the TaepoDong SSMs nevertheless include largely test proven components of previous SSMs, both Chinese and North Korean.

The TaepoDong-1 has a range of over 2,000 km with a 1,000 kg warhead. According to JANE's, it is a combination of a NoDong-1 [first stage] and a NK-SCUD-B/NK-SCUD-C [second stage]. In comparison, the TaepoDong-2 has a range of over 3,500 km, and can carry a 1,000 kg warhead. According to JANE's, the TaepoDong-2 is a 32m long SSM, and is a composite derivative of the PRC's DF-3/CSS-2 missile and the NoDong-1, but with a rounded nosecone. Given this technology, the TaepoDong-2 with a small warhead of around 500 kg, can attain ranges of up to 9,600 km, which puts it in the class of an ICBM.

Indeed, the TaepoDong family of SSMs are actually far more sophisticated and lethal than is generally understood. This stems from the fact that the TaepoDong is a by-product of the Iranian ballistic missile development program which has been run jointly with North Korea and the People's Republic of China since 1990 and is based in the city of Isfahan. In fact, based on comparative analysis and judging from its overall dimensions and estimated performance, the TaepoDong-1 appears to be a North Korean version of the Iranian Tondar-68.

The Tondar-68 is based on Chinese and North Korean technology, and is of two versions: The first with a range of 1,200-1,500 km, is capable of reaching Israel from launchers inside Iran. The second, with a range of some 2,000 km, is for wider theater use. The Tondar-68 is a two-stage weapon based on a Chinese M-11 ballistic missile installed on top of an Iran-700 missile, the latter itself being a derivative of the North Korean NoDong-1

In March 1991, Iran undertook two test launchings of the Tondar-68 system over the Semnan desert. In the first test launch the missile flew over 700 km, and in the second over 1,000 km. These two tests are believed, respectively, to have been launches of prototypes of both the basic system (Iran-700), as well as the complete multiple-stage weapon—a Tondar-68 made of the Iran-700 and the M-11.

Subsequently, in 1992, the PRC provided Iran technology for the development of an intermediate-range ballistic missile, including the production of an Iranian version of the M-11 in Isfahan. Later, in January, 1994, a high level North Korean military delegation visiting Iran reaffirmed the DPRK's commitment to provide Iran with the latest missile technologies.

THE CHINESE CONNECTION

The integration of the Chinese M-11 weapon into the TaepoDong family of SSMs is of crucial significance. The M-11, classified as the DF-11 in the Chinese arsenal, is a new ballistic missile introduced into operational service in the late 1980s. Originally developed for tactical nuclear warheads in the mid-1980s, the M-11 was fitted with both High Explosive and Chemical warheads soon after its initial introduction in order to make it marketable for export. The first model of the M-11, with a 135 km range, was introduced in 1988 and was soon modified into a "SCUD substitute" with a range of 290-320 kms and a 500-800 kg warhead.

The M-11 is a single stage SSM fueled with solid propellant, 9 meters long with a 1 meter diameter and a rounded-up top cone rather than a cylinder and cone as found with the SCUD. This modified cone provides improved aerodynamics and ballistic qualities. Additionally, the original model M-11 has terminal guidance, including an inertial mid-course guidance system, which insures vastly improved accuracy. The integration of modern Global Positioning System (GPS) technology known to have been purchased by the DPRK and the PRC and installed in the NoDong-1, should not be ruled out.

Further, as it is solid fueled, the M-11 relies on fully mobile Transporter Erector Launcher [TEL] vehicles, specifically the Russian MAZ-543 TEL vehicle, and can be reloaded and readied for launching in about 45 minues by a crew of less than 10 troops. The PRC itself is also using the M-11 as the upper stage in its development of a theater ballistic missile called the M-11. Fully mobile, the M-11 is a "stretched M-11" with two stages of solid fuel.

The installation of the M-11 as the upper stage of the TaepoDong family of SSMs drastically changes the capabilities of the TaepoDong without altering its external appearance of dimensions. This is significant because solid fuel missiles, like the M-11, are easy to handle as upper stage components since they are relatively simple to store, do not require fueling, and are relatively insensitive to separation by explosive-bolts.

Furthermore, by using the M-11 rather than the NoDong-1 for its upper stage, the TaepoDong gains dramatically increased accuracy and range. (It is noteworthy that, according to JANE's, the TaepoDong-2's upper stage is a NoDong-1 with a rounded nosecone, a characteristic also of the M-11.)

Further, the TaepoDong-1 is made of an M-11 missile installed on top of a booster-derivative of the NoDong-1. With this configuration, the TaepoDong-1's range of over 2,000 km with a 1,000 kg warhead remains unchanged, but the accuracy improves markedly. Similarly, the TaepoDong-2 is an M-11 installed on top of a booster-derivative of the DF-3/CSS-2. Again, the basic range of over 3,500 km with a 1,000 kg warhead remains unchanged. As discussed above, with the TaepoDong-2's DF-3-based booster, the TaepoDong-2 can reach a range of 9,600 km.

SOME HISTORY

In assessing the likelihood of the availability of such advanced Chinese strategic technologies to North Korea, it should be emphasized that both countries have been cooperating in missile production and development since the early 1970s. Moreover, the DPRK and the PRC now closely cooperate on the development of new missiles as a result of a series of agreements reached in 1988 (and October 1991) for the joint development of a new generation of weapons.

Indeed, in 1988, the first delegation of 90 North Korean ballistic missile experts was dispatched, pursuant to the aforementioned agreement, to the PRC to work on these joint missile projects. Most important among these projects was the development of a MRV-equipped Medium Range Ballistic Missile (MRBM), optimized for nuclear warheads, with a range of 800 km. A prototype of this MRBM was successfully test launched in Yinchuan, China, in the Fall of 1991.

Furthermore, in 1989-90, the DPRK dispatched some 230 additional military experts from its ground forces, navy and air force to the Dalian base, on the Liaodong peninsula, for study and cooperation in the development of various advanced missile technologies, mainly ship-to-ship missiles, various surface-to-surface missiles (ballistic and cruise), and surface-to-air missiles. Later, in October 1991, during Kin Il-Song's visit to China, the DPRK and the PRC reiterated their commitment to the joint development of a ballistic missile technology uniquely applicable for nuclear warheads, especially MRVs and MIRVs.

A major component of the 1991 agreement was Pyongyang's decision to shop for advance missile technologies to up-grade ballistic missiles in the USSR/CIS and share them with the PRC. Further, in the late-1980s, USSR-DPRK cooperation arrangements were expanded to include advanced SSMs. Consequently, in June 1991, the USSR transferred at least 10 KY-3s [SCUD-Cs] to North Korea for use as samples in the reverse engineering research that is crucial to facilitating the production of advanced models of ballistic missiles.

Unlike the basic R-17 [SCUD-B], the KY-3 has a longer range, solid fuel, and most importantly, a completely new guidance system with "pinpoint accuracy" that can be adapted to all types of SCUDs and their derivatives. The availability of these technologies significantly enhances the scientific-technological basis of the ballistic missile industry of both North Korea and China. Indeed, the KY-3 technologies are ideal for integration into the M-11-type ballistic missiles and would vastly improve their performance.

Thus, at present, with the Sino-Korean MRBM as an upper stage, the PRC is developing a mobile intercontinental ballistic missile capable of striking at the continental US. This ICBM relies heavily on Soviet

technology, mainly that of the rail-based SS-24 and the vehicle-based SS-25 ICBMs. Although the original range of the Soviet ICBMs is around 10,000 kms, the Chinese ICBM may have a shorter range and be capable of carrying 8-10 MRVs. (It should also be added that the October 1993 testing at the Lop Nor test site involved a warhead, estimated at 70-90 kt, for the MRV.)

The North Korean version of this Chinese strategic missile, the NoDong-X, is a vast technological improvement over the NoDong and TaepoDong SSMs. Indeed, in its development, the DPRK also utilized the latest Russian technology obtained from numerous Russian engineers and technicians working in North Korea. Consequently, through miniaturization of the warhead and adaptation of solid fuel, the NoDong-X, in its initial form, may be capable of achieving a range of over 6,000 km. This would allow it to hit parts of the continental US. Indeed, the Russian assessment is that the NoDong-X is "a long-range assault weapon." ROK's Deputy Prime Minister Yi Yong-Tok also called the NoDong-X "a strategic weapon."

Considering the intensity of the development work in the PRC and the DPRK, the NoDong-X may be operational by 1996-97.

Thus, any assessment of the TaepoDong family of SSMs must be based on the premise that the upper stage is a derivative of the M-11. It therefore appears quite likely that North Korea possesses a weapon with far greater accuracy and reliability than anything previously available to it.

□ 1040

RECOGNITION OF MEN'S HEALTH WEEK AND CHILD SUPPORT ENFORCEMENT ACT

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, let me first quickly answer the gentleman's statement.

I chair Research and Development in the Committee on Armed Services. I want to tell the gentleman that nobody killed SDI. We are still funding it. It has not gotten as far as we had hoped it would because we just have not had the breakthroughs in laser technologies and other such things. But it is absolutely wrong to say that it is not being funded and funded in a very healthy, robust manner, which some people think is much too robust in this day and age. It is just that we cannot push science where science is not ready to go.

Madam Speaker, that is not what I came to the well to talk about. I came to the well to talk about my role as cochair of the Congressional Caucus on Women's Issues, and what we want to talk about this week going into Father's Day.

First of all, we are very pleased that this week is known as Men's Health Week. It is very, very critical. Usually the caucus is in here talking about Women's Health Week, so this is something a little different. But whether we look at adult women or adult men, there is something we all have in common. Even the toughest, meanest of us all kind of turn to putty when somebody says, "It is time to go get your physical." Yet I hope at every dinner table in America this Father's Day, they are all looking at each other saying, "Did you get your physical?" Because we are seeing many, too many people my age with this gray hair in their fifties coming down with breast cancer or prostate cancer or colon cancer or whatever, and those lives would have been saved had they gone to get their physical. So let us have part of Father's Day being beefing each other up to all march in to the doctor's office together. The poll I have always wanted them to run is to see whether adults my age are more fearful of dentists or doctors.

It probably will not make much difference. I think we are equally fearful of all of them, and to those who say they are terribly afraid to fund these preventive services in health care bills because we will all be down there every day getting prostate checks or mammograms or whatever, they do not understand human nature. It is not about paying, it is about the fact that we really do not want to go. We ought to be funding it in health care, we ought to be encouraging prevention in every way, but it takes more than just funding and covering. We have to keep nagging to make sure that our loved ones get there.

Madam Speaker, I hope everyone in this country really takes Men's Health Week very seriously. As they talk about the men in their family that they really respect and revere, make sure they are healthy and they stay with us, because we really see many, too many men in this country dying much too early and much of it did not have to happen. I think that is important.

Madam Speaker, the other thing the caucus is doing this week is that we have put in our Child Support Enforcement Act. It is the toughest, meanest thing we have seen yet. Yes, the President is doing welfare reform today and that is very important, but this is welfare prevention. There is over $34 billion a year in child support orders that are not paid in this country. That is criminal. That is totally unfair to the parents who are paying for their kids, because what they are doing is not only paying for their kids but paying for other people's kids who decided they did not want to accept the responsibility, thank you very much.

It is not just men; women do this, too. Many people have learned how to use State lines to play economic hide and seek from the families they are trying to get away from and from the family responsibility they are trying to get away from. We changed this in other areas; we are going to work very hard to change it here.

Madam Speaker, I encourage everyone, all the responsible fathers and all the responsible mothers and parents in the country to get behind this legislation and once and for all say parenting is a very serious responsibility and that people should not be allowed to duck it and just throw it off on the American taxpayer, because children need both of those parents. That is why we celebrate Father's Day and that is why we really want to get this legislation done.

Let us all celebrate Men's Health Week and let us get the Child Support Enforcement Act passed, and I think we will be a long way toward solving a lot of problems that American families have been dealing with.

TIME FOR A CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I rise today to talk about change, to talk about change here in the Congress. It is time that we change the way Congress does business.

□ 1050

I am a supporter of that. We need procedural changes that will bring about changes in results. Nearly everyone here goes home and talks to their constituents about the debt, talks to their constituents about the deficit. We talk about too much regulation and too much control. And, yet, in order to bring about some changes, we have to make some procedural changes here and come back, and they are not willing to do that. They are not willing to do that.

Our constituents and voters, for a good reason, talk about the things that happen here that ought to be changed. They talk about the results that are not the kind of results that you and I want: Too much taxes; too much government; too much regulation.

But we do not bring about the changes to that, because, indeed, there need to be some structural changes in order to do it. You cannot expect different results by continuing to do the same thing. And we have an opportunity to do that.

I guess my point is, we talk and talk and talk about it, but it is right here. We can do it. It is on the floor. The bills are here to make the changes.

I am talking about changes that make the Congress serve under the same laws that apply to everyone else. I am talking about term limits. I am talking about balanced budgets. I am talking about budgetary reforms, procedural reforms that will allow the results to be different.

Let us talk a little bit about limiting the terms of Members. A number of States have taken the initiative to do this. Of course, it is not going to come from the Congress. The Congress will never endorse that issue, until forced by the States and by the voters. And I will admit, it is not an easy issue. Intellectually, I was opposed to that issue for a long time. I thought that is not the right thing to do. Why should we limit the voting privileges of you and I as voters, when we have in the House every 2 years a chance to do that? But having been here a while, I have noticed that doesn't happen. It is a peculiar type of thing.

A high percentage of the Members of the House have been here a relatively short time, but some have been here forever. And we see the arrogance of longevity. We see it last week. We see it next week. We see people have been here so long and been in control of this House for 40 years, and have been led to believe that the rules do not apply to them. And I know of no other way to do it than to have a nationwide term limitation. I think it has merit and that we can do that. We can move forward on that.

Line item veto. Almost everyone in this place would agree with line item veto. They talk about line item veto. President Clinton talked about line item veto in his campaign. He came here, and the leadership of the House and Senate said, oh, no, we are not going to do that. We will come up with sort of a wimpy little thing that says you can override it by a majority vote. That is not a line item veto. Veto means two-thirds. We could have a line item veto right away, if we wanted to do that.

Talk about deficit reduction. There are bills here that would say that if you reduce spending in one category, instead of shifting it to another category, that it would reduce the deficit. It would be dedicated to deficit and debt reduction. What is wrong with that? President Clinton talked about all the cuts in his budget last year. The fact is, it was a $30 billion increase. It wasn't cuts at all. It was transfers of spending from one category to another. If you are going to cut, we ought to dedicate that to deficit reduction.

The balanced budget amendment. Some call it a gimmick. The fact is that we have not had a balanced budget for years and years and years in this House. The fact is we do not do it without a balanced budget amendment. The fact is you do need the discipline of a balanced budget amendment, to say here is the amount of money we have, here is revenue, and you have to balance revenue with income. We do it in my State of Wyoming. Of course, it is painful from time to time. But what it does is it calls us to take account of benefits versus costs. And if it is worth having, if it is worth paying for, you have it. If it isn't, you don't. You cannot simply max out your credit card, as we have been doing in the past.

We need structural changes, we need procedural changes. They can be done. They can be done, if the majority will stop opposing the changes in the procedure that will bring about changes in the results.

WORLD WAR II COINS

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Ohio [Ms. KAPTUR], is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, just a few days ago the world was focused on the coast of Northern Europe as we watched the reenactment of ceremonies that honored those who fought in our Nation's defense with several other allied nations and preserved the freedoms that we enjoy today as citizens of the United States.

Here in Washington, the World War II Memorial that has been authorized by Congress will be built here and will give us a timeless remembrance of that allied victory.

This memorial is intended to be built with proceeds obtained from the sale of three World War II commemorative coins that have been minted by our U.S. Mint and are on sale through the Mint through June 30 of this year.

The coins' designs were selected through a national competition, and all five winning artists are veterans of our Armed Forces, including two who served our country during World War II.

Each coin symbolizes an important story of the allied victory. The gold $5 coin depicts an American serviceman with his rifle raised, celebrating victory, with the reverse featuring a V for victory and then with that spelled out in Morse Code. The gold coin, which can be purchased separately, is the most expensive.

The silver dollar coin, which is my favorite and probably I think costs around $11 if it is purchased individually, commemorates the Battle of Normandy, which we watched celebrated last week, and it features an American soldier advancing on the Normandy Beach, with a quote from General Eisenhower on the reverse side, along with the Atlantic Campaign button. And it reads, "I have full confidence in your courage, devotion to duty, and skill in battle. We will accept nothing less than full victory."

This is simply a beautiful coin, and on the front of the coin it has the entire World War II commemorative period that we are honoring in our country, 1991 through 1995, and it also has for a lot of our D-day veterans that are interested, the date June 6, 1944. That is emblazoned across the top of the coin.

The third coin is a clad half dollar coin, and it depicts the various branches of the service, all five of them, and on the front it has the individual branches. You can see the various members of the Armed Forces here that have their own uniforms on, and it has a V for victory in the background.

Again, it commemorates the 1991 through 1995 period, and it says "In God we trust." Then the back of the coin, and this is of particular interest to our Pacific war veterans who may have felt that the country had not noticed that they participated in World War II, but of course those commemorative ceremonies will be held over the next year, the back of the coin indicates the Pacific Campaign, and it portrays an American soldier moving up on one of the islands in the Pacific with landing craft, a ship, and a fighter plane appearing in the background.

One of my own uncles fought in that campaign, and this is a beautiful coin, and certainly affordable to any family in America.

So I would encourage all Americans to do something of value, to remember the Americans who served overseas and on the home front and preserved the freedoms that we enjoy here today that give us the right to speak out here in the well of this Chamber on many topics of interest to the American people.

The Mint will be selling these coins, again, through June 30 of this year, and for further information, citizens can just call the U.S. Mint here in Washington. It has an 800 toll free number, 1-800-533-8888. That is 1-800-533-8888. You can obtain additional information. These are only on sale through the end of the month. All proceeds from the sale of these coins will go to fund a World War II Memorial here in our Nation's Capital.

Under the legislation we passed, some of those funds have already been taken over to Europe because these coins have been sold over the past year, and they have gone to build a peace garden in Normandy in back of the Museum of Peace in Caen, which is very close to the Utah Beach and Omaha Beach areas where we saw the President of our country and many Members of Congress and thousands of American's veterans travel a week ago.

So for those Americans who have already purchased their commemorative coins, that peace garden has been built. It is already being visited by thousands and thousands of people from around the world, and we are just waiting for the day when the World War II Memorial can be built here in our Nation's capital along the Mall.

RETROACTIVE TAXES

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the

gentleman from Minnesota [Mr. RAMSTAD] is recognized during morning business for 3 minutes.

Mr. RAMSTAD. Madam Speaker, sports fans, concerned taxpayers of America, the ball is back in our court. Yesterday the Supreme Court threw the ball on retroactive taxes squarely back into the court of Congress.

The Court, while barely affirming the authority of Congress to pass retroactive taxes, said clearly, and I am quoting now, "The wisdom of such legislation remains within the exclusive province of the legislative and executive branches."

Are retroactive taxes wise? That is the question the Congress must now answer. Are retroactive taxes fair? That is the question that Congress must now answer. Are they good economics? Of course not.

Are they fair? Of course not.

Taxpayers simply cannot plan their household finances, if the rules can be changed after the game starts. Small business owners who create 85 percent of the jobs cannot make business plans if Congress passes taxes after the games starts?

Retroactive taxes are clearly unfair, unwise, and bad economics.

Madam Speaker, as I see it, we now have two choices: One, we could view the decision, and I am sure some will, as a green light to raise retroactive taxes retroactively whenever the money gets tight. Of course, the way Congress spends money, that means all the time. That is a frightening prospect around here. So I think the better alternative is to take steps to ensure that Congress never again raises taxes retroactively.

That is why I introduced House Resolution 247, to amend the House rules to prevent this body from ever again passing retroactive taxes.

In light of the Carlton decision yesterday, it is now more important than ever for all Members to join 160 of our colleagues already on both sides of the aisle who already support this bill that I have introduced which would outlaw future application of retroactive taxes.

But to get the ball into play, we must sign Discharge Petition No. 11.

Madam Speaker, it is now up to us to protect the American taxpayers. It is now up to us to say no to retroactive taxes ever again. The voters and the taxpayers of America are watching all of us. They are watching to see if we will sign Discharge Petition No. 11 as we do not fumble the ball on retroactive taxes.

COL. CHARLES BECKWITH REMEMBERED

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. HUTTO] is recognized during morning business for 3 minutes.

Mr. HUTTO. Madam Speaker, yesterday, June 13, Col. Charles Beckwith died at home in Austin, TX. Many will not remember Colonel Beckwith for his 30 years of dedicated Army service or for the many successes, most of which the public will never know of, as a commander of the Army's elite antiterrorist Delta Force. Many will only remember Colonel Beckwith as the commander of the ill-fated mission to rescue 52 American hostages from Iran in 1980.

It is true the mission code-named "Eagle Claw," or as some will remember, "Desert One," was not one of the Army's or our Special Forces finer hours. However, Madam Speaker, there was a very significant victory achieved by Colonel Beckwith and the other valiant members of the rescue effort.

The failure of this mission was, in my view, preordained. Some of the official conclusions investigators established as causes for the failure was that the Army, Air Force, Marine personnel participating in the operation had not trained together prior to the actual mission and that the operation lacked a clear chain of command.

The failures experienced at Desert One was a wake-up call for the American public and, indeed, for Congress. Led by the efforts of the late Representative Dan Daniel of Virginia, and many other interested Members of Congress, the entire structure of Special Operations has been changed. Command and control, funding, and other necessary adjustments have been accomplished. The whole approach to joint operations has been changed due to the establishment of the U.S. Special Operations Command through the Goldwater-Nichols Act.

Colonel Beckwith's victory at Desert One was to dramatically illustrate to the American public that changes were needed. Those needed changes have been made and the successes of our Special Operations Forces since that time are a tribute to Colonel Beckwith.

I join with all my colleagues in offering our condolences to Colonel Beckwith's wife Katherine and his entire family. Colonel Beckwith was truly a great American and soldier. We shall miss him.

OSHA REFORM—H.R. 1280

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Madam Speaker, I want to take this time today to discuss the OSHA reform legislation that is proceeding through this Congress. I would start out by stating the premise that I believe labor and management agree that work place safety is of paramount importance. Unfortunately, that is about the extent of where agreement exists on the OSHA reform legislation.

I think we are on the wrong track with the legislation that is moving through Congress. It is known as the Proposed Comprehensive Occupational Safety and Health Act, COSHA, H.R. 1280.

While creating lots of new regulations and rules, I think it will do very little to improve work place safety.

The Employment Policy Foundation estimates that the Ford-Kennedy OSHA proposal will cost the private sector $63 billion. Members, the private sector is you and I.

The impact on small business and family farms of COSHA will cost small business and farmers approximately $40 billion per year.

The bill establishes broad new argicultural safety and health standards. The bill will result, I believe, in de facto union organization of farm workers throughout this country, because it mandates safety and health committees be formed.

The bill will require that farm employees be provided lifetime medical monitoring and health evaluation for their work force.

Members, it is has been the policy of many administrations to have cheap and reasonable food for the American people. We cannot add enormous costs in the billions of dollars on agriculture and expect to continue to have a reasonable, cheap food policy. It is more legislative interference, I am afraid, the bottom line of all this legislation is more legislative interference in labor-management relations.

I really resent when Members come to Congress, such as the sponsors or the promoters of this legislation do, to get through legislation what they cannot get at the bargaining table.

My colleagues, I would just talk a little bit about the excessive regulation in government. Probably nothing infuriates the American people more. Recently, though, as far as environmental issues, we had a 6-year-old Robyn Lerman of Highland Park, IL. This young lady had to go to the dentist to have a couple of teeth extracted. She was terrified at the prospect of this, but was reassured that the tooth fairy would visit her and she could put these teeth under her pillow and that made her feel better.

Well, she went to the dentist and the teeth were taken out. And she survived, of course. But the dentist would not give her parents the teeth. The teeth had been classified by OSHA as on a list of potentially biologically hazardous material and were taken from the family and the young lady went home without her teeth and without the opportunity to put those under her pillow for the tooth fairy.

□ 1110

We can carry regulation, government bureaucracy, much too far. The OSHA

reform bill does that. I hope that this Congress will look closely at it, and that we will listen to our constituents and to the business community as we examine this legislation so that we can achieve the goal we do agree on: workplace safety for every American workers, in a way that we can afford, and one that will not increase government interference in business and in our lives.

RECESS

The SPEAKER pro tempore (Ms. MARGOLIES-MEZVINSKY). Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 10 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the emotions that flood the human heart, we pray, O gracious God, that our hearts and minds and souls will be filled with gratitude and praise as we think of the mighty acts of Your spirit. For peace in our lives we offer thanks; for deeds of justice and acts of charity, we offer praise; for the gifts of reconciliation between peoples and for new understanding between adversaries, we laud Your name. May we be worthy of all Your gifts to us, O God, and ever be aware of the needs of others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Florida [Mr. JOHNSTON] if he would kindly come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STAND UNITED AGAINST NORTH KOREA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, now that North Korea has pushed the United States to the brink of confrontation by refusing nuclear inspections, it is critically important that we back the President and not politicize the North Korea issue here in the Congress, as we have Bosnia, Haiti, and Somalia. American vital interests are at stake here, and we cannot appear divided to Kim Il-Song.

Mr. Speaker, one reason why things are politicized around here is that nobody wants to talk about the fact that the projected deficit is down for 3 years in a row for the first time since Truman was in the White House; the fact that our deficit as a percentage of national income is now the lowest of any major economy in the world; and the fact that after the first 16 months of President Clinton's administration, we have created more than 3.1 million private sector jobs, nearly 1 million more jobs than those created in the 4 years of the Bush administration.

FLAG DAY, JUNE 14, 1994

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today is Flag Day. It also is the 180th anniversary of the Star Spangled Banner, as well as the 15th anniversary of the Pause for the Pledge. At 7 p.m., by joint resolution of the Congress, the entire Nation should pause to pledge allegiance to the flag. It is an act of patriotism which was begun in Maryland by one person, Louis Koerber, chairman of the National Flag Day Foundation. Supported by the Congress, it encourages all Americans to think of what that Star Spangled Banner has meant to generations of persons, from every nation and every walk of life, who recognize the freedoms the Stars and Stripes represent.

Maryland's long history of proprietary interest in the Stars and Stripes include Mary Pickersgill's needlework, which gave us the flag which flew over Fort McHenry and inspired Francis Scott Key to write about the flag's still "gleaming in the dawn's early light," while on a boat out in Chesapeake Bay during the War of 1812.

The history includes Barbara Fritchie's heroic stance, protecting the flag from southern troops at Frederick during the Civil War. Our flag is called Old Glory, as a symbol of our sovereignty.

It is an honor to pledge allegiance to this flag tonight, to rededicate ourselves to the glory that is America.

HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this Congress is very close to passing one of the most significant pieces of legislation in our history—health care reform. The American people are demanding action on this issue. But, even in the face of overwhelming public sentiment, there are some members of the Republican party who cling to the old traditions of gridlock and politics as usual.

Opponents of health care reform will try to tell the American people that health care reform is dangerous. And, if it sounds like a familiar theme, it should.

It is the exact same argument Republicans used to try to torpedo the President's budget package. They said the budget agreement was dangerous too, and that it would hurt our economy. But, now that the dust has settled, we can see clearly through their overblown political rhetoric to the truth. The budget package has created jobs, lowered the deficit and boosted consumer confidence: What is dangerous is the use of overblown rhetoric and parliamentary procedure to thwart the public will. It hurts our people and our country and it is time to set partisan rhetoric aside and work together to pass health care reform. That is what the public wants.

BROKEN PROMISES AND UNACCEPTABLE LEGISLATION BY DEMOCRATS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, there they go again. The President of the United States has come to the American people with a legacy of unfounded promises, broken promises, unacceptable legislation on health care, mythical legislation on welfare reform. The President and his party cannot get anything done because they cannot get together with the American people.

Now the Democrats, with their control of the White House, their control of the House sufficient to pass any bill they wanted, plus an extra 40 votes, their control of the Senate, with ability to pass any bill they wanted, plus 6 extra votes, are screaming and hollering about Republican guardians of gridlock.

Mr. Speaker, when we watch our beloved Dallas Cowboys once again come to Washington and beat the Redskins, people in this town will look at the Cowboys defense and talk about the guardians of gridlock. But, Mr. Speaker, what America will see is fine Christian young men doing the Lord's work against a wicked force in an evil city.

Democrats need to understand, they cannot come to the American people

with broken promises, false promises, and failed ability, and blame it on the Republican minority. They got to go to work.

□ 1210

CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, China enjoys a $20 billion trade surplus with America, second only to Japan. Year after year, Congress gives carte blanche, red carpet, most favored nation trade status to China, average wage 17 cents an hour.

But right now the question is, where is China?

In a moment of need, will China support Uncle Sam or will China support another Communist dictatorship in North Korea that not only has nuclear weapons but may be willing to sell them to our enemies. And to make it even worse, North Korea looks right in our face and says, shove your sanctions, Uncle Sam, up your Chinese trade deficit, because we are not going to budge.

I think it is time, my colleagues, to look at our trade policies that not only are killing American jobs but may be financing the next world war. Think about it.

ALL THE KING'S MEN

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Madam Speaker, like Humpty-Dumpty, all the President's men have been trying to put our welfare system back together again. Not change as we know it, but put it back together again.

But, Madam Speaker, all the king's men could not make our welfare system work well. The President needs to do what he promised and to replace our welfare system with something that works for all Americans. We need to stop tinkering and start working to end welfare as we know it.

The people should ask themselves if the Clinton plan meets these standards:

Would it save the American taxpayers money? Would it get people off of the government dole and onto real jobs? Will it shrink the size of government? Will it encourage people to take responsibility for themselves?

Madam Speaker, if the President's plan does not meet these criteria, it is not welfare reform. Certainly, it is not ending welfare as we know it.

D-DAY

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Madam Speaker, 50 years and 1 week ago yesterday, the greatest sea-launched invasion in the history of the world took place on the beaches of Normandy. Many young men, some only 18 or 19 years of age, from the United States of America, Britain, Canada, and other allied countries, stormed the beaches and dropped from the skies, and many thousands lost their lives.

One week ago yesterday, many of those who survived that horror returned to observe the 50th anniversary of that event.

I had the opportunity to be there and I was greatly honored to be in the presence of those who were a part of that magnificent victory.

I was pleased that many of the leaders of the free nations that were part of it were there to acknowledge the sacrifice that had been made by those who gave their lives and those who still live.

I especially appreciate our President Bill Clinton, and the words he spoke, which brought a sustained standing ovation from those veterans present at the American National Cemetery at Colleville-Sur-Mer.

As one who fought in Europe after D-day, I believe his words touched the hearts of those brave and dedicated men.

THE PRESIDENT'S WELFARE PLAN

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Madam Speaker, today the President will unveil his welfare reform plan. If it is anything like his health care plan, we can all expect to be on welfare by the end of the century. I urge my colleagues and the American people to look closely at the President's welfare plan with some of these questions in mind.

Will it save the taxpayers money? Will it end the cycle of dependency? Will it stop giving handouts and begin giving a hand up? Will it solve the problem of teen-age illegitimacy? Will it cut down on bureaucracy or will it create more bureaucrats?

Madam Speaker, these are the questions we all must ask of the President's plan. When the President promised to end welfare as we know it, he acknowledged the essential failure of our Nation's welfare system. Now is the time for him to live up to his promise.

Tinkering is not enough. We need to find a new way. I am very troubled that the President's plan is simply more of the same way.

THE CLINTON WELFARE REFORM PROPOSALS

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, this afternoon President Clinton will unveil his welfare reform proposals. I am anxious to see his legislation and hope the congressional leadership will proceed with hearings this summer.

Congress should look carefully at the President's welfare reform plan, and be sure it meets some basic, common sense objectives.

First, welfare reform should result in less Government bureaucracy, not more. Social welfare programs should not simply redistribute wealth, that has been tried for many years and has failed miserably. We do not need new expensive spending ideas to help people in poverty, just some good old fashioned common sense on how to beat poverty.

Second, welfare reform should provide incentives for those who are out of work to find work. A 2-year limit on welfare recipients is absolutely essential. There should be no loopholes which allow recipients to stay on welfare for generations.

Finally, welfare reform should restore the confidence of the taxpayers who are financing this system. The American people are demanding it. The taxpayers should believe that their money is being spent wisely and should not be asked to pay higher taxes to finance more welfare as we know it.

JOBS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Madam Speaker, jobs. That is the reason that commonsense people oppose employer mandates.

The President's health care reform plan will kill millions of jobs, close thousands of small businesses and raise the costs of hiring new employees. The President has made the employer mandate the cornerstone of his entire health care plan. But that cornerstone cannot withstand the weight of reason and the pressure of reality.

Any reasonable person knows that sacrificing a million jobs in any health reform process is not worth the effort. And in reality, the President's employer mandate will kill a million jobs.

Madam Speaker, to reform our health care system, we need a stronger cornerstone than employer mandates. We need to fix the problems that plague our current system without killing jobs and hurting quality. That is why the common sense approach is to oppose employer mandates.

WELFARE REFORM

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Madam Speaker, saying the right thing but doing the wrong thing. That just about sums up the Bill Clinton Presidency.

Today the President will unveil his welfare reform plan. He is going to give a terrific speech about how we need to end welfare as we know it. But then in a couple of weeks he is going to introduce a bill which will preserve welfare as we know it.

This is not unusual for Bill Clinton. Remember when he talked so tough on crime and then supported quotas for the death penalty. How about when he promised us that middle-class tax cut and then gave us a middle-class tax hike. Just another example of saying the right thing but doing the wrong thing.

Madam Speaker, it is very effective to say what the people want to hear. It makes for great applause lines and popular speeches. But the great Presidents actually meant what they said, and we could count on them to do the right thing all of the time.

So far, Bill Clinton has fallen far short of that standard.

LET ME COUNT THE WAYS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, employer mandates: Why do Republicans loathe these? Let me count the ways.

We loathe these with depth and breadth and height. To protect the jobs they will kill, we are willing to fight.

We loathe these with foreboding and fear. It is a huge payroll tax, that much is clear.

We loathe these because the small businesses they will close. And that will only be the start of our economic woes.

We loathe these for those who won't be hired. And the economic slump for which we soon will all be mired.

We loathe these for reasons few can doubt. We know we're better off going a different route.

Let me say to the President as we proceed to the health care debate: If you want Republican support, take out your employer mandate.

□ 1220

URGING A PROMPT CONSENSUS ON CRIME LEGISLATION IN CONFERENCE

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Madam Speaker, I rise today to urge our colleagues in both Chambers to seek a prompt consensus in the ongoing conference committee dealing with the crime bill. The crime bill is not a magic solution that will eradicate crime from our streets.

Nevertheless, we must pass this landmark legislation and let our fellow Americans know that we, along with the President, care deeply about the crime wave ravaging our communities, and that we are providing much needed tools and resources that are needed in this crusade against crime.

Just a week ago my district, Puerto Rico, lost a great public servant in a senseless act of violence. Jose Jaime Pierluisi, a 28-year-old model citizen, succumbed to the bullets of an assassin during a carjacking. Jose, known by countless friends and relatives as "Pilu," was an exemplary role model to America's youth. A member of a family of public servants, his father is a former Secretary of Housing in Puerto Rico, and his brother, Pedro, is currently Secretary of Justice in Puerto Rico.

Pilu, an affable young man, serious in his work and always willing to assist in commendable causes, had dedicated himself to forge a better Puerto Rico. In his latest role as the Governor's Economic Adviser, he sought to create better jobs and education opportunities for his fellow citizens.

Pilu, we render tribute to you in this Chamber. On behalf of your 3.6 million brothers and sisters in Puerto Rico, we thank you for your service and dedication.

THE REAL CONSEQUENCES OF VOTES CAST ON THE HOUSE FLOOR

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Madam Speaker pro tempore, the fact is that the votes we cast here often do have consequences. Last week the Democratic leadership lined their people up to vote against the Goss amendment to the defense appropriations bill, an amendment that was designed to keep us from committing troops to Haiti.

Madam Speaker, now we find out that in the Commerce-State-Justice appropriation bill, there is $25 million for peacekeeping activities in Haiti. What do peacekeeping activities in Haiti mean? That means a commitment of U.S. troops to that island.

Madam Speaker, we are on the verge of having a vote we cast the other day give a signal to this administration that they can put troops into Haiti and then have that confirmed with $25 million of moneys that will be voted on by this Congress to sustain those troops in Haiti. This is a disaster as a policy and it is a true sign that the votes that we cast in this Congress have consequences, real consequences.

IMPORTANCE OF SCREENING AND EARLY DETECTION OF PROSTATE CANCER

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, I join a number of my colleagues today in urging men over the age of 40 to schedule regular screening for prostate cancer. In 1993, an estimated 35,000 men died from prostate cancer, and the disease will affect 1 out of 10 men by the time they reach age 85. However, with early detection, the survival rates improve significantly; in the past 30 years, they have increased from 50 to 78 percent. It is critical that we get the message out that regular screening can save lives. This has been the mission of US–TOO, an organization working for increased funding for prostate cancer research and prevention efforts.

Father's Day is Sunday, June 19, and this week also has been designated "Men's Health Week." Let us take this occasion to support our fathers, sons, brothers, and friends in seeking regular prostate cancer screening. Early detection will save lives; we need to invest more in public education and research funding for this disease.

SETTING THE RECORD STRAIGHT ON MISSILE DEFENSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I would like to commend to my colleagues' attention an article in this week's Defense News concerning a critical missile defense test in 1984 that some Members of Congress have alleged was faked by the Department of Defense.

I bring this up this morning because in view of what we saw in the gulf war and the situation we are facing today in Korea, you would think every Member of this body would want to move forward aggressively in missile defense research, testing, and deployment. However, allegations of this faked test have been cited on the House floor as a major reason why we have cut funding for these programs.

Today's report states that the GAO's investigation completely supports the Pentagon. There was no cheating by DOD on these critical tests. Instead, the tests proved that missile defense can work; that is, SDI.

We are cutting defense too much too quickly, and in recent years, we have cut vital research into missile defense technology by too much. During the recent D-day commemoration, it was often said that our greatest responsibility is to hand down a safer world to our children. I strongly agree. One way we can do that is through making missile defense a reality.

NEW TAXES AREN'T THE ANSWER

Mr. KNOLLENBERG. Madam Speaker, we have all heard the heart-wrenching stories from our constituents about the problems with our present health care delivery system, but I have yet to hear from a majority of people from my district or across America who want to pay more in taxes.

On both sides of Capitol Hill, the Democrat leadership is at it again—asking hard working Americans to dig even deeper into their pockets for yet another big Government proposal.

And when I say deep, numbers upward of $190 billion cannot help but strike fear into the hearts of the American public.

The people who elected us do not want unfunded mandates. They do not want new taxes. And they certainly do not favor increasing Government bureaucracy for a system that would be costly, untested, and unretractable.

Our friends and neighbors on Main Street, U.S.A., want a common sense approach that not only fixes those parts of our health care delivery sector that are broken, but also saves the best of our present system.

Madam Speaker, the American people want health care reform, and I wholeheartedly agree, but I refuse to place yet another burden on their backs, just to relieve another. This is non-negotiable with the American people. The American public is taxed too much not too little. I know it, and the Members of this House know it.

WELFARE REFORM PROGRAM WILL CONTINUE TO ENSLAVE ANOTHER GENERATION

Mr. MICA. Madam Speaker, today, the administration is announcing its welfare reform proposal. If Members are holding their breath that it will end welfare as we know it, they should not hold their breath. If they are hoping it will cut spending on welfare, think again. If they are hoping it will create more jobs in the private sector, they are about to be disappointed.

Here is what it does, Madam Speaker. It spends billions more for Government programs. It proposes to take welfare recipients, and, I might add, a small percent, and it takes them off of one Government program and it puts them on another Government program. The Clinton welfare reform program is another Government-based program to continue the enslavement of another generation.

Why not create real full-time jobs in the private sector? Why not promote investment, capital expansion, and real opportunity? Why continue to extinguish the American dream with more Government-based solutions, with more make-work jobs, with more shell games for the taxpayers' hard-earned dollars?

Only when we look at realistic solutions will we really end welfare as we, unfortunately, know it.

REMEMBERING JOHN H. BRADLEY ON FLAG DAY

Mr. ROTH. Madam Speaker, today is Flag Day, a very important day for all of us. Last Saturday, the largest Flag Day parade in America was conducted in Appleton, WI.

It is only appropriate that that city, Appleton, WI, dedicated the Flag Day to John Bradley. John Bradley was the last of the six servicemen who placed the flag on Mt. Suribachi after the Battle of Iwo Jima. Mr. Bradley in that photo was unforgettable, along with the other five, because of the Pulitzer Prize winning photo of 1945.

Mr. Bradley was a 21-year-old pharmacist's mate, second class. Mr. Bradley is one of the real heroes of our country. Mr. Bradley was greatly loved and respected in his hometown of Appleton, WI, and he was greatly loved and respected in Antigo, WI, where he lived and worked.

Consequently, with what has taken place on January 11, the Bradley family and the people of northeast Wisconsin and the American people lost a great patriot. However, as Admiral Nimitz said at that time, for those men and women in uniform, "uncommon valor was a common virtue."

AMERICA'S RETREAT FROM ITS COMMITMENT TO THE PRINCIPLE OF FREEDOM

Mr. ROHRABACHER. Madam Speaker, with the cold war over, one would have expected America to emerge as an even more aggressive champion of human rights and democracy. Instead, in recent days we have seen a retreat from America's commitment to freedom as a fundamental principle.

Madam Speaker, this administration not only supports most-favored-nation status for Communist China, in spite of massive human rights violations and cultural genocide in Tibet, but the administration also has decoupled, totally decoupled, the discussion of trade and human rights with this monstrous violator or of human liberty. It was the most destructive setback for human liberty in decades.

Madam Speaker, this administration has rushed ahead to lift the embargo, the economic embargo on Vietnam, without demanding any democratic reform or any new respect for human rights.

□ 1230

Now word comes that President Li of the Republic of China returning back to the Republic of China from a diplomatic mission in Latin America asked to spend the evening in Hawaii instead of just having to refuel for a few moments. He was denied permission to do so. It is an insult to democracy. He deserves an apology. The American people deserve better leadership.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4506, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

H. RES. 449

Resolved, That during consideration in the Committee of the Whole House on the state of the Union of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 or 6 or rule XXI are waived. The amendment printed in section 2 of this resolution may be offered only by Representative Bevill of Alabama or his designee, may amend portions of the bill not yet read for amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. The amendment that may be offered only by Representative Bevill of Alabama or his designee is as follows:

Page 21, line 24, strike "$3,164,369,000" and insert "$3,201,369,000".

Page 23, line 10, strike "$1,879,204,000" and insert "$1,842,204,000".

The SPEAKER pro tempore (Ms. DELAURO). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 449 is an open rule waiving points of order against provisions of the bill, H.R. 4506, the Energy and Water Development Appropriations for Fiscal Year 1993. Since general appropriations bills are privileged under the rules of the House, the rule does not provide for any special guidelines for the consideration of the bill. Provisions related to time for general debate are not included in the rule. Customarily, Madam Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to the consideration of the bill.

The rule waives clause 2 of rule XXI against all provisions of H.R. 4506. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in general appropriations bills. The waiver is necessary because the annual authorizing legislation for many of the bill's agencies and programs is not in place. In addition, it is

necessary because of provisions in the bill affecting the Corps of Engineers and Bureau of Reclamation's important work affecting their ongoing responsibilities for water resources. The rule also waives clause 6 of rule XXI prohibiting reappropriations in a general appropriation bill against all provisions in the bill. This is necessary to allow the transfer of prior year unspent funds.

Finally, Madam Speaker, this rule provides that the Bevill amendment printed in section 2 of the rule may amend portions of the bill not yet read for amendment, if offered by Representative BEVILL or his designee. The Bevill amendment is not subject to a demand for a division of the question. This is an amendment which reflects the administration's amended budget request for the Department of Energy's national security programs and allows the transfer of funds between accounts within the Atomic Energy Defense Activities. It will not affect the total budget authority or outlays in the bill.

Madam Speaker, this is a carefully crafted bill which funds many activities of the Department of Energy and other agencies which are vital to our environment and national security. The bill, along with the Bevill amendment, are critically needed for the Energy Department's Mound Plant, in Miamisburg, OH, which I have the privilege of representing.

Madam Speaker, under the normal rules of the House, any amendment which does not violate any House Rules could be offered to H.R. 4506. The rule received unanimous support in the House Rules Committee, and I urge my colleagues to adopt it.

Mr. GOSS: Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that this rule allows for an open rule, an open amendment process whereby any Member can come to the Chamber under the normal procedures of the House and present an amendment to cut funding levels in this bill. That is a breath of fresh air and I congratulate those involved for allowing it to happen.

As a fiscal conservative myself, deeply concerned about the enormous Federal debt and the track record of this House to spend beyond our means, I am encouraged that Members will have a chance to debate the merits of the individual spending proposals in this $20 billion bill. Of course, Members should be reminded that appropriations bills are, in fact, privileged, meaning that they do not even need to go through the Committee on Rules to come to the floor and be subject to the open amendment process. That is always an option open. As the late Chairman Natcher believed, the standard operating procedure for appropriations bills should be, in fact, to bypass the Committee on Rules and take their chances under the normal procedure of the House rules coming to this floor. But lately the exception has become the rule as the appropriators keep running into little pesky problems on points of order which seem to be triggered by repeated violations of the standing House rules. If today's energy and water appropriations bill had come straight to the floor, for example, in normal fashion, it would have been vulnerable to a series of points of order against unauthorized projects and legislating on an appropriations bill. If Members turn to the actual report that we have from pages 133 to 136 for any Members who are interested, they will see under the title changes in application of existing law several areas that needed to be protected under the points of order. Likewise, we do not speak to the unauthorized projects which, of course, are not listed in the report specifically that way. That means any Member will have to go through the whole bill to figure out those things.

Madam Speaker, the Committee on Rules has tried to guard against that. In this case I feel we have got a good bill and a good rule because I do not think there is anything particularly serious in there that is going to cause any Member any trouble, but I urge them to look if they wish.

Rather than risk any kind of a floor fight on it, the chairman and the ranking member sought and received waivers from the Committee on Rules. As I say, this was a relatively straightforward process, it was not contentious. There was not a lot of disagreement. I think we have got a good product in this case and again I congratulate all those involved for doing the best job possible, carrying on the different challenges that we all have to get this legislation to the floor in an appropriate way.

Madam Speaker, judging by the frequency with which this type of end run problem of having to waive these points of order occurs, it is clear that we have a problem in our legislative process that needs to be changed. We seem to spend an awful lot of time these days waiving rules rather than complying with them and as we come up against one example after another on the need for reform, I urge the majority leadership, and I really mean this, to allow changes in the committee structure and the budget process. Right now we have got a bunch of recommendations from the Joint Committee on the Reform of Congress that are just sort of laying waiting. I hope they do not become permanent shelf items. There is an opportunity to change the way we do business. I think it would be a big improvement, and I think that the trend that I have outlined that as good as this rule is and as well intentioned and as well crafted as it is as my friend the gentleman from Ohio has said, we could have a better process and we have some recommendations that we at least ought to deliberate about. This is just an opportunity to remind us of that.

In the meantime, Madam Speaker, while we do not oppose this rule, I would like my colleagues to know that the minority members of the Committee on Rules did seek to improve it and ultimately impose greater fiscal discipline by leaving the unauthorized provisions in this bill vulnerable to points of order. Not surprisingly, that effort failed. As I say, I do not think any real damage was done except perhaps to the principle. We can only hope that eventually the majority too will tire of the cumbersome and inefficient way of doing business we have with the waiving of points of order. Then at last reform may finally come, and I think it is time that it did. An awful lot of energy has been put into the question of reform and we have not seen anything come out yet in the way of result.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1240

GENERAL LEAVE

Mr. BEVILL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4506, the bill now under consideration, making appropriations for energy and water development for 1995, and that I be permitted to include extraneous material.

The SPEAKER pro tempore (Ms. DELAURO). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1993 annual report of the Federal Prevailing Rate Advisory Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 1994.*

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1995

Mr. BEVILL. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, and pending that motion, Madam Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana [Mr. MYERS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Thee was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from New Jersey [Mr. HUGHES] as Chairman of the Committee of the Whole, and requests the gentleman from Mississippi [Mr. MONTGOMERY] to assume the chair temporarily.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, with Mr. MONTGOMERY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today for your favorable consideration the bill H.R. 4506 making appropriations for energy and water development for the fiscal year 1995. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana [Mr. MYERS]. As in years past, he and I have worked together with the subcommittee without any trace of partisanship to fashion a bill that meets the present and future needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentleman from California [Mr. FAZIO], the gentleman from Texas [Mr. CHAPMAN], the gentleman from Florida [Mr. PETERSON], the gentleman from Arizona [Mr. PASTOR], the gentlewoman from Florida [Mrs. MEEK], the gentleman from New Jersey [Mr. GALLO], and the gentleman from Kentucky [Mr. ROGERS]. I want to also thank Chairman OBEY, a member of the subcommittee, and Mr. MCDADE for their assistance. All of these members worked very hard in a bipartisan manner to bring this bill to the House floor for your consideration.

Mr. Chairman, at the outset, I want to point out to Members of the House that this bill is within the section 602(b) allocation for both new budget authority and outlays. It is right at the 602(b) allocation for outlays, and $17,378,000 below the 602(b) allocation for budget authority. I caution Members that any amendments offered to increase appropriations for any programs in this bill will put it over our allocation amount as we are right at our ceiling for outlays.

Mr. Chairman, the committee believes that this is the best bill that could be developed within the severe budget constraints that we faced. The bill before the committee today would provide $20,355,622,000 to the Army Corps of Engineers, the Department of the Interior, the Department of Energy, and nine independent agencies and commissions. This amount is $157,128,000 lower than the President's budget and $1,333,725,000 lower than the fiscal year 1994 appropriation.

I would like to note that the total amount recommended in the bill is $20,525,510,000 in budget authority. However, the Congressional Budget Office has scored the bill at a total amount of $20,355,622,000 due to various adjustments needed to compensate for $169,888,000 of excess revenues and other adjustments credited to accounts in this bill. The $20,355,622,000 is less than the subcommittee's 602(b) allocation for budget authority.

TITLES I AND II—WATER RESOURCE DEVELOPMENT

Mr. Chairman, the committee is committed to a policy of development of the vital navigation, flood control, shore protection, water supply, irrigation, environmental restoration, and hydroelectric projects that are necessary to the well-being and economic growth of the entire Nation. No part of this country is immune from the problems of water—too little or too much—and all States of the Union must join together cooperatively to foster a truly national water policy which responds to the unique needs of each State and region.

Title I includes $3,452,434,000 for the Corps of Engineers which provides for 528 water resource projects in the planning or construction phases. This is $524,696,000 less than last year's appropriation.

Title II includes $883,620,000 for the Department of the Interior and the Bureau of Reclamation which provides for 93 water resources projects in the planning or construction phases. This is $16,824,000 less than last year's appropriation.

Titles I and II also provide for research and development activities, other studies which are not project specific, and projects in the operation and maintenance category.

TITLE III—DEPARTMENT OF ENERGY

In title III, for the Department of Energy, the recommendation provides a total of $15,820,065,000. This is $1,144,775,000 less than last year's appropriation. The recommendations for energy programs include many changes in the request which are summarized in the report. I will mention a few items.

For solar and renewable energy programs, we are recommending $402,050,000, an increase of $54,666,000 over last year's funding level.

The magnetic fusion program was funded at $376,563,000, an increase of $28,968,000 over last year's funding level.

For environmental restoration and cleanup activities at Department of Energy defense and nondefense facilities, the committee recommendation is $6,173,579,000, which is $12,074,000 below the fiscal year 1994 appropriation.

For nuclear energy R&D, the recommendation is $259,628,000, a decrease of $81,736,000 from the fiscal year 1994 level. The committee has agreed to the administration's request to terminate the Advanced Liquid Metal Reactor Research Program, but has continued limited funding of the gas turbine-modular helium reactor.

For General Science and Research, the committee recommendation provides a total of $989,031,000, a decrease of $626,083,000 from the fiscal year 1994 appropriation. The committee recommendation provides $44,000,000, the same as the budget request, to construct an asymmetric B-meson production facility—B-Factory, and also provides additional funding to increase the use of existing facilities.

The recommendation for defense programs of $10,301,214,000 is $559,594,000 below the fiscal year 1994 appropriation and $244,218,000 below the budget request. The recommended level includes increased funds for defense waste cleanup as I noted previously.

At the appropriate time, I will be offering an amendment to this bill. On June 8, 1994, the President submitted

an amended budget request for the national security programs of the Department of Energy. The committee has reported H.R. 4506 before the President's request was received, but we felt it was important to consider this request when the bill was brought before the House. Working with the Armed Services Committee, we reviewed this budget amendment and identified those portions which are critical to meet the near-term national security requirements of the Department.

My amendment would increase the weapons activities appropriation by $37,000,000 and decrease the materials support and other defense programs appropriation by $37,000,000. This will not affect the total budget authority or outlays in this bill. This amendment was made in order by the Rules Committee and has been approved by the Armed Services Committee. I have included a table summarizing the specific funding adjustments.

TITLE IV—INDEPENDENT AGENCIES

Title IV of the bill includes $369,391,000 for nine independent agencies. This is the same as the budget request, and $63,727,000 below last year's appropriation.

We have provided $187,000,000 for the Appalachian Regional Commission; $136,856,000 for the Tennessee Valley Authority; $17,933,000 for the Defense Nuclear Facilities Safety Board; $2,664,000 for the Nuclear Waste Technical Review Board; $1,000,000 for the Office of the Nuclear Waste Negotiator, and $1,938,000 for the three river basin commissions.

The committee recommendation provides $540,501,000 for the Nuclear Regulatory Commission, which is offset by revenues of $518,501,000, resulting in a net appropriation of $22,000,000 which is financed from the Nuclear Waste Fund.

COMMITTEE REPORT

The report accompanying the bill provides a good explanation of the recommendations reflected in the bill. I would encourage the Members to look through it.

I would like to include a table showing the total funding in the bill by program.

This is a good bill. I recommend its adoption.

FY 1995 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 4506)

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	207,540,000	147,850,000	179,062,000	-28,478,000	+31,212,000
Construction, general	1,400,875,000	956,147,000	1,023,595,000	-377,280,000	+67,448,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	348,875,000	319,918,000	334,138,000	-14,737,000	+14,220,000
Operation and maintenance, general	1,888,990,000	1,908,184,000	1,846,535,000	-42,455,000	+38,351,000
Regulatory program	92,000,000	109,916,000	101,000,000	+9,000,000	-8,916,000
Flood control and coastal emergencies	20,000,000	14,979,000	14,978,000	-5,021,000	----------
Emergency supplemental appropriations	70,000,000	----------	----------	-70,000,000	----------
General expenses	148,500,000	156,255,000	152,500,000	+4,000,000	-3,755,000
Oil spill research	350,000	625,000	625,000	+275,000	----------
Total, title I, Department of Defense - Civil	3,977,130,000	3,313,874,000	3,452,434,000	-524,696,000	+138,560,000
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	14,920,000	22,639,000	22,638,000	+7,919,000	----------
Fish, wildlife, and recreation mitigation and conservation	4,850,000	11,133,000	11,133,000	+6,283,000	----------
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000	----------	----------
Program oversight and administration	1,000,000	1,191,000	1,191,000	+191,000	----------
Total, Central Utah project completion account	25,770,000	40,163,000	40,163,000	+14,393,000	----------
Bureau of Reclamation					
General investigations	13,819,000	12,600,000	14,190,000	+371,000	+1,590,000
Construction program	464,423,000	380,906,000	432,727,000	-31,696,000	+51,821,000
Operation and maintenance	282,898,000	284,165,000	286,521,000	+3,623,000	+2,356,000
Loan program	13,500,000	3,800,000	9,800,000	-3,900,000	+6,000,000
(Limitation on direct loans)	(21,000,000)	(10,915,000)	(23,000,000)	(+2,000,000)	(+12,085,000)
General administrative expenses	54,034,000	54,191,000	54,034,000	----------	-157,000
Emergency fund	1,000,000	1,000,000	1,000,000	----------	----------
Colorado River Dam fund (by transfer, permanent authority)	(-7,168,000)	(-7,472,000)	(-7,472,000)	(-304,000)	----------
Central Valley project restoration fund	45,000,000	45,385,000	45,385,000	+385,000	----------
Total, Bureau of Reclamation	874,674,000	781,847,000	843,457,000	-31,217,000	+61,810,000
Total, title II, Department of the Interior	900,444,000	822,010,000	883,620,000	-16,824,000	+61,810,000
(By transfer)	(-7,168,000)	(-7,472,000)	(-7,472,000)	(-304,000)	----------
TITLE III - DEPARTMENT OF ENERGY					
Energy Supply, Research and Development Activities:					
Operating expenses	2,812,840,000	2,864,932,000	2,869,527,000	+56,687,000	+4,595,000
Plant and capital equipment	411,070,000	452,343,000	432,643,000	+21,573,000	-19,700,000
Total	3,223,910,000	3,317,275,000	3,302,170,000	+78,260,000	-15,105,000
Uranium Supply and Enrichment Activities:					
Operating expenses	246,992,000	72,210,000	72,210,000	-174,782,000	----------
Plant and capital equipment	100,000	1,000,000	1,000,000	+900,000	----------
Subtotal	247,092,000	73,210,000	73,210,000	-173,882,000	----------
Gross revenues	-70,000,000	-9,900,000	-9,900,000	+60,100,000	----------
Net appropriation	177,092,000	63,310,000	63,310,000	-113,782,000	----------
Uranium enrichment decontamination and decommissioning fund	286,320,000	301,327,000	301,327,000	+15,007,000	----------
General Science and Research Activities:					
Operating expenses	1,329,785,000	834,670,000	713,570,000	-616,215,000	-121,100,000
Plant and capital equipment	285,329,000	275,461,000	275,461,000	-9,868,000	----------
Total	1,615,114,000	1,110,131,000	989,031,000	-626,083,000	-121,100,000
Nuclear Waste Disposal Fund	250,000,000	254,800,000	304,800,000	+44,800,000	+50,000,000
Isotope production and distribution fund	3,910,000	7,300,000	11,600,000	+7,690,000	+4,300,000
Environmental Restoration and Waste Management:					
Defense function	(5,181,855,000)	(5,217,424,000)	(5,128,211,000)	(-53,644,000)	(-89,213,000)
Non-defense function	(1,003,796,000)	(1,045,368,000)	(1,045,368,000)	(+41,570,000)	----------
Total	(6,185,653,000)	(6,262,792,000)	(6,173,579,000)	(-12,074,000)	(-89,213,000)
Atomic Energy Defense Activities					
Weapons Activities:					
Operating expenses	3,248,656,000	2,936,916,000	2,863,717,000	-384,939,000	-73,199,000
Plant and capital equipment	346,542,000	323,752,000	300,652,000	-45,890,000	-23,100,000
Total	3,595,198,000	3,260,668,000	3,164,369,000	-430,829,000	-96,299,000
Defense Environmental Restoration & Waste Management:					
Operating expenses	4,552,278,000	4,560,010,000	4,530,547,000	-21,731,000	-29,463,000
Plant and capital equipment	629,577,000	657,414,000	597,664,000	-31,913,000	-59,750,000
Total	5,181,855,000	5,217,424,000	5,128,211,000	-53,644,000	-89,213,000

FY 1995 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 4506)—Continued

	FY 1994 Enacted	FY 1995 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Materials Support and Other Defense Programs:					
Operating expenses	1,654,246,000	1,742,015,000	1,714,309,000	+60,063,000	-27,706,000
Plant and capital equipment	309,509,000	195,895,000	164,895,000	-144,614,000	-31,000,000
Total	1,963,755,000	1,937,910,000	1,879,204,000	-84,551,000	-58,706,000
Defense Nuclear Waste Disposal	120,000,000	129,430,000	129,430,000	+9,430,000	
Total, Atomic Energy Defense Activities	10,860,808,000	10,545,432,000	10,301,214,000	-559,594,000	-244,218,000
Departmental Administration:					
Operating expenses	393,458,000	388,792,000	400,417,000	+6,959,000	+10,625,000
Plant and capital equipment	7,780,000	6,895,000	6,895,000	-885,000	
Subtotal	401,238,000	395,687,000	407,312,000	+6,074,000	+10,625,000
Miscellaneous revenues	-239,209,000	-161,490,000	-161,490,000	+77,719,000	
Net appropriation	162,029,000	235,197,000	245,822,000	+83,793,000	+10,625,000
Office of the Inspector General	30,362,000	26,465,000	26,465,000	-3,897,000	
Power Marketing Administrations					
Operation and maintenance, Alaska Power Administration	4,010,000	6,494,000	6,494,000	+2,484,000	
Operation and maintenance, Southeastern Power Administration	29,742,000	22,431,000	22,431,000	-7,311,000	
Operation and maintenance, Southwestern Power Administration	33,587,000	21,316,000	21,316,000	-12,271,000	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	277,956,000	265,885,000	224,085,000	-53,871,000	-41,800,000
(By transfer, permanent authority)	(7,166,000)	(7,472,000)	(7,472,000)	(+304,000)	
Total, Power Marketing Administrations	345,295,000	316,126,000	274,326,000	-70,969,000	-41,800,000
Federal Energy Regulatory Commission					
Salaries and expenses	165,375,000	166,173,000	166,173,000	+798,000	
Revenues Applied	-165,375,000	-166,173,000	-166,173,000	-798,000	
Total, title III, Department of Energy	16,964,840,000	16,177,363,000	15,820,065,000	-1,144,775,000	-357,298,000
(By transfer)	(7,166,000)	(7,472,000)	(7,472,000)	(+304,000)	
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	249,000,000	187,000,000	187,000,000	-62,000,000	
Defense Nuclear Facilities Safety Board	16,560,000	17,933,000	17,933,000	+1,373,000	
Delaware River Basin Commission:					
Salaries and expenses	333,000	343,000	343,000	+10,000	
Contribution to Delaware River Basin Commission	488,000	478,000	478,000	-10,000	
Total	821,000	821,000	821,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	498,000	511,000	511,000	+13,000	
Nuclear Regulatory Commission:					
Salaries and expenses	542,900,000	540,501,000	540,501,000	-2,399,000	
Revenues	-520,900,000	-518,501,000	-518,501,000	+2,399,000	
Subtotal	22,000,000	22,000,000	22,000,000		
Office of Inspector General	4,800,000	5,080,000	5,080,000	+280,000	
Revenues	-4,800,000	-5,080,000	-5,080,000	-280,000	
Subtotal					
Total	22,000,000	22,000,000	22,000,000		
Susquehanna River Basin Commission:					
Salaries and expenses	308,000	318,000	318,000	+10,000	
Contribution to Susquehanna River Basin Commission	298,000	288,000	288,000	-10,000	
Total	606,000	606,000	606,000		
Tennessee Valley Authority: Tennessee Valley Authority Fund	140,473,000	136,856,000	136,856,000	-3,617,000	
Nuclear Waste Technical Review Board	2,160,000	2,664,000	2,664,000	+504,000	
Office of the Nuclear Waste Negotiator	1,000,000	1,000,000	1,000,000		
Total, title IV, Independent agencies	433,118,000	369,391,000	369,391,000	-63,727,000	
Scorekeeping adjustments	-586,185,000	-169,888,000	-169,888,000	+416,297,000	
Grand total:					
New budget (obligational) authority	21,669,347,000	20,512,750,000	20,355,822,000	-1,333,725,000	-157,128,000
(By transfer)					

AMENDMENT SUMMARY		
Program	Request	Recommendation
WEAPONS ACTIVITIES		
Weapons Stockpile Support		
Additional stockpile support activities at the Kansas City Plant, Missouri	$31,000,000	$31,000,000
Assure safety and environmental compliance during shutdown of the Mound Plant, Ohio ($28,000,000 total with $13,000,000 reallocated from within the program)	15,000,000	15,000,000
Additional stockpile activities at the Y-12 Plant, Tennessee	30,000,000	30,000,000
Assure safety and environmental compliance during shutdown of the Pinellas Plant, Florida	12,000,000	12,000,000
Capital equipment to implement nonnuclear reconfiguration at Sandia National Laboratory, New Mexico	3,000,000	3,000,000
Replace Aviation Facility, Albuquerque, New Mexico	2,000,000	0
Total, Stockpile Support	93,000,000	91,000,000
Use of Prior Year Balances	(54,000,000)	(54,000,000)
TOTAL, WEAPONS ACTIVITIES	39,000,000	37,000,000
MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS		
Fissile Materials Control and Disposition		
National Resource Center for Plutonium, Amarillo, Texas	9,000,000	9,000,000
Materials Support		
Disassembly Basin Upgrades, Savannah River, South Carolina	13,000,000	0
Capital Equipment	(13,000,000)	0
Use of Prior Year Balances	(48,000,000)	(46,000,000)
TOTAL, MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS	(39,000,000)	(37,000,000)

□ 1250

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the committee, first I want to thank our chairman, the gentlemen from Alabama [Mr. BEVILL], for the kind remarks that he made about the work of this committee, and I also want to thank the staff who worked so hard, who do the best job we could with the limited resources we had.

Mr. Chairman, as the gentleman from Alabama [Mr. BEVILL] has said, and he did an excellent job in presenting what is in the bill, it is a good bill, but it is a far cry from being an excellent bill.

I never thought, Mr. Chairman, that I would come to the floor and complain about a bill being too little and too short of adequate funding. As most of my colleagues have heard through the years, I have been trying to freeze all the appropriations at the previous year's level, but this bill goes way below the freeze.

Every appropriations bill is certainly important to our country, but this one particularly, years ago when the chairman and I first came to the committee, was called the all-American bill because it touches every community. These are investments in our future. If our children and grandchildren are to have an adequate source of electric energy for the future, if we are to have the ports that are capable of shipping our exports to foreign countries, giving jobs to Americans in the future, if we are to have the inland waterways which are now 25,000 miles, are going to be adequate and taken care of maintenance-wise, that came through this committee's work.

This year we had a difficult job, as the chairman has already stated. First, the President's budget was inadequate to fund some of the programs, particularly in energy research for the future, and then, when our 602(b) allocation, coming through from the Committee on Appropriations; once again it was a far cry from what is needed to adequately fund the research that is needed so badly if we are to have the energy resources for our future. The chairman has discussed these shortcomings, but the bill is $1.7 billion, a billion 750 million, below on budget authority from last year, a big cut.

Mr. Chairman, some of the cuts that have been made have already been described here; in general there was in research and advanced physics. We were 5 percent below last year. It was the other cuts that have been made here; the administration requested a 14-percent decrease in the medium-energy physics. We were able to restore some of this research, but, Mr. Chairman, really not enough to do an adequate job, and I want to speak to those who for the last several years voted to do away with the SSC, to eliminate that investment.

As my colleagues know this committee did not support eliminating the SSC, but the cry on the House floor here for years was, if we do not have that investment, the SSC, there will be money available for other research. Well, that has not happened. We take the research dollars out of the SSC, and we have cut other programs, too, so this year killing the SSC certainly did not provide extra money for the research that should be made.

In closing, Mr. Chairman, I will support this committee's work this year. I compliment our colleagues for doing a difficult job. But I am somewhat sorry that we did not adequately fund some of the programs that are so badly needed. It is a penny-wise-and-pound-foolish year. We just did not invest money in future research, particularly for the needed energy that our country is going to need for the future. We just did the best job we could with the limited resources. But this bill, if I described it, is a good bill, but it suffers from anemia. It is kind of weak.

So, Mr. Chairman, reluctantly I do support this bill, but I wish we could have done better.

Mr. Chairman, I reserve the balance of my time.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from Arizona [Mr. PASTOR], a member of this subcommittee.

Mr. PASTOR. Mr. Chairman, I rise in support of this appropriation bill.

As the gentleman from Alabama [Mr. BEVILL], our chairman, and our ranking member, the gentleman from Indiana [Mr. MYERS], have told us, this subcommittee, first of all, had to deal with reducing this bill by $1.3 billion from last year. As my colleagues heard, the subcommittee has dozens of volumes of testimony from people who are concerned about the future of America. Moneys from this bill help appropriate the Department of Energy, and to my colleagues, Mr. Chairman, I want to tell them that we are doing some good things in this appropriation.

One of the things that this subcommittee has done is appropriate moneys for initiatives in renewable fuels, which means additional money for the conversion of solar energy into power, a conversion of thermal energy into power, and also taking wind, that energy, and transforming that into power. This is in the hopes that the investment in renewable fuels will take us away from the dependence that we have on fossil fuels.

Mr. Chairman, this committee is also very much concerned with some of the waste that we have throughout this Nation, and so this bill does a lot to begin addressing the problem of nuclear waste and other waste that we have throughout this country and finding means to clean up our environment.

We also are investing a little, a little more, but very little, in basic research through the Department of Energy. We are now asking that the national labs work with community colleges and the private sector so that we can begin converting that technology that was based on defense to that technology that deals with nondefense.

We are also dealing with the Corps of Engineers. This bill is dealing with how we stabilize river banks, what do we do to ensure that communities who have had the problem of flooding in the past resolve that problem so that they will no longer feel the threat or the danger of flooding.

We also are funding the Bureau of Reclamation to ensure that we have the energy and the water systems that many areas of our country so desperately need.

□ 1300

Mr. Chairman, this is a good bill. It is a good bill because it took a reduction of $1.3 billion and began setting priorities through the testimony of various Members, State officials, and people who have an interest in the future of America. I would ask my colleagues to support this bill because it is a bill that aims to ensure a better future.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in strong support of this legislation. This Member would also like to direct commendations to the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the Energy and Water Development Subcommittee, and the distinguished gentleman from Indiana [Mr. MYERS], the ranking member of the subcommittee, and all the subcommittee members, for their exceptional work in bringing this bill to the floor.

It is obvious that extremely tight budgetary constraints have made the chairman and the ranking members' task more difficult by forcing this subcommittee to recommend a 7-percent reduction in spending for the Department of Energy, a 13-percent reduction for the Army Corps, and a 4-percent reduction for the Bureau of Reclamation. Therefore, in light of these budgetary constraints, this Member would like to express his appreciation to the subcommittee and formally recognize that the energy and water development appropriations bill for fiscal year 1995 includes funding for several related water projects that are important to Nebraska.

Importantly, the bill provides funding for two Missouri River projects which are designed to remedy problems of erosion, loss of fish and wildlife habitat, and sedimentation. First, the bill provides $10.1 million for the Missouri River mitigation project for a four-State area. This funding is needed to restore fish and wildlife habitat lost

due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are largely gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

Second, the bill provides $100,000 for operation and maintenance and $100,000 for construction of the Missouri National Recreation River Project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

In addition, the bill provides funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, last year's flooding temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, NE. Therefore, this Member is extremely pleased the committee agreed to provide funding for the Lower Platte River and tributaries flood control study. This study should help to formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. Additionally, the bill provides continued funding for a floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln, and it enables the completion of a flood control study of the Burt Water Drainage District in Burt and Washington Counties.

Finally, Mr. Chairman, this Member recognizes that the bill also provides operation and maintenance funding for the Missouri River Water Control Manual as well as funding for Army Corps and Bureau of Reclamation projects in Nebraska's other two congressional districts at the following sites.

Again Mr. Chairman, this Member commends the distinguished gentleman from Alabama [Mr. BEVILL], the chairman of the subcommittee, and the distinguished gentleman from Indiana [Mr. MYERS], the ranking member of the subcommittee for their continued support of these projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River basin.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK], a very distinguished member of this subcommittee.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman very much for yielding time to me, and I rise in support of the fiscal year 1995 appropriation bill for energy and water development.

Mr. Chairman, I would like to say to the Members of the House that this particular bill is certainly worthy of the support of the Members and worthy of their vote. The subcommittee chairman, the gentleman from Alabama [Mr. BEVILL] and our ranking member, the gentleman from Indiana [Mr. MYERS], have worked together, and we work as a unit in this committee, not on partisan levels, but we work together as Members working for the good of the American public.

Mr. Chairman, the subcommittee had a difficult time bringing forward this bill, but it is a good bill that deserves the support of the Members. It is about $1.74 billion under the fiscal year 1994 appropriation.

This bill is good for the environment. Funds are provided for environmental restoration activities throughout each section of the bill and throughout the Nation.

The development of vital transportation infrastructure is continued through funding for port development and improvements in the inland waterway system. The fact of the matter is that the United States operates in a global economy and without an efficient transportation system, our workers and companies will not be able to compete.

Efforts to address the complex problems of flood control are continued. Some may look upon this as an inappropriate activity for the Federal Government, but when one part of our Nation suffers the rest is negatively impacted. Let us not forget the negative impacts of the mid-western floods on the unemployment rate and other economic activity. Those floods shut down a vital inland waterway transportation artery for weeks. Ships had to wait at ports for cargo with the resulting increase in charges.

This bill continues the efforts to increase research in solar and renewable energy technologies. This legislation addresses the energy needs of the next century. If we do not do it today, we will have destroyed the economic future of our grandchildren.

Your subcommittee has increased the funds for the Nuclear Waste Disposal Fund by $44 million over last year's appropriation. This is commonly called the Yucca Mountain project. About 75 percent of the States have civilian nuclear power plants which are storing, on site, spent nuclear fuel. The buildup is approaching a crisis stage. This program has received much attention from your subcommittee and we seek to move it as quickly as possible, but I want to caution that it will be some years before this facility is ready assuming that all the site characterization efforts do not discover insurmountable problems. The boring machine is on site and the test tunnel is designed so that it can be used as part of the permanent facility if the site characterization studies prove positive.

The magnetic fusion program is continued. There have been breakthroughs in this program over the past year. This Nation cannot afford to turn its back upon the advancement of science.

In the budget resolution conference report, Congress decided to reducing spending $13 billion below the President's requested level. This resulted in some difficult choices being made.

This bill deserves the Members' support. It is a good bill.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. GALLO], a long-time, hard-working member of this subcommittee.

Mr. GALLO. Mr. Chairman, I rise today in support of H.R. 4506 making appropriations for energy and water development for fiscal year 1995. As a member of this subcommittee, I would like to thank Chairman BEVILL and ranking member JOHN MYERS for their leadership. I would also like to thank the subcommittee and minority staff for their expertise and knowledge on these important issues.

Again this year we had a difficult task balancing our Nation's energy and water needs due to the fact of the tight budget restraints. Even though this is not a perfect bill, it is one that will continue to move this country toward energy independence and help to provide the technology base that the United States has enjoyed in the past.

This bill is $1.3 billion below last year's appropriation and is $157 million below the President's request.

With this bill, we have made a significant long-term commitment to the development of new energy sources for our future needs. Oftentimes we find it very difficult to look to the future for our energy needs. However, we must make the commitment now. We must provide the economic opportunities today. Without this investment we are dooming our future generations to a lower standard of living.

I believe this bill takes that necessary step. Within this bill we have funded programs that will make this country less dependent on foreign sources of energy. We have funded scientific research that will give us the capability to take this country into the 21st century. We have also funded cleanup programs that will continue to address the environmental concerns surrounding our defense programs waste.

I am also pleased that the committee fully funded the fusion energy program and the renewable energy research program. The investment in these technologies will allow our country to become the leader in this field.

In addition, this bill provides funding for a number of critical flood control projects throughout the United States.

The projects contained in this bill will help to prevent property damage and loss of life. But even more important, this report includes projects that will prevent floods from occurring. The proper planning done by the Army Corps of Engineers has proven to be very effective. The Army Corps is to be commended for their dedication and hard work.

Preparing for our future needs is never easy, but H.R. 4506 provides the insight and programs that will make it a little easier. I urge the adoption of this important bill.

□ 1310

Mr. BEVILL. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 4506, making appropriations for Energy and Water Development for fiscal year 1995.

I thank the chairman of the Subcommittee on Energy and Water Development, Mr. BEVILL, and the chairman of the full Committee on Appropriations, Mr. OBEY, for their leadership and hard work in moving this bill to the floor.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the committee's continued support for these projects. I also appreciate the continued support for the long-term management strategy to resolve dredging problems in San Francisco Bay.

I also thank the chairman and the committee for responding positively to my request that you not provide Western Area Power Administration funding of the Navajo transmission project.

H.R. 4506 and the accompanying committee report also raise several issues which I will address in my capacity as chairman of the Committee on Natural Resources.

First, H.R. 4506 will fund important individual projects and program activities of the Bureau of Reclamation. The principles of the administration's Reinventing Government initiative are demonstrated for the first time in this bill, which incorporates many significant reforms to the Bureau of Reclamation's programs.

As chairman of the Committee on Natural Resources, I will continue to support those aspects of the Bureau of Reclamation Program that reflect an accelerated transition from a water resources development agency to a contemporary water resources management and protection agency. I specifically note that H.R. 4506 properly reflects reductions in funding for certain construction activities and the reevaluation of the loan program. The new initiatives in water conservation and reuse, environmental restoration, and water supply needs included in H.R. 4506 indicate a sound new direction for the Bureau's programs.

Second, H.R. 4506 includes significant funding to implement various programs authorized by Public Law 102–575, the Reclamation Projects Authorization and Adjustment Act of 1992. This law affects dozens of Bureau of Reclamation projects and establishes many new policies for managing water resources in the Western United States. At the same time, the law presents many challenges and opportunities for our committees, for the Bureau of Reclamation, and for cities, environmentalists, and water users throughout the West. I will enthusiastically continue to support funding for programs authorized by Public Law 102–575. However, I must make clear my determination that all matters pertaining to implementation of this complex law be considered in consultation with the authorizing committee.

In particular, title 34 of the law, the Central Valley Project Improvement Act, includes many innovative measures to conserve water and restore fish and wildlife habitat that has been adversely affected by the development of water and power projects in California. Water marketing, changes in project operations and water allocations, incentives for conservation, and specific goals for fish and wildlife restoration are all included in this title. I wish to assure the chairman of the Committee on Appropriations and the Subcommittee on Energy and Water Development that they will have my full cooperation as implementation of this important law continues and particularly in the event further legislative authority is needed.

Third, with regard to the repayment of costs of cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program, I advised this committee of my concerns in a letter dated March 28, 1994. I include for the RECORD a copy of this letter at this point.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, March 28, 1994.

Re FY 1995 Budget Request for Bureau of Reclamation.

Hon. TOM BEVILL,
Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During testimony before your subcommittee earlier this month, Commissioner of the Bureau of Reclamation Daniel P. Beard referred to a soon-to-be-released study by the Department of the Interior. This congressionally mandated study reviews the substantial costs associated with extensive studies and mitigation efforts designed to address severe environmental and wildlife damage at Kesterson Reservoir in California.

As you know, former Secretary of the Interior Donald Hodel acted in 1985 to close Kesterson Reservoir as a dumping ground for contaminated irrigation wastewater from the Westlands Water District following reports of bird malformations and other serious problems related to intake of selenium from the drainage water. The Department then initiated a program of studies to document drainage contamination problems in the San Joaquin Valley and throughout the Western United States, where additional examples of selenium contamination have been recorded.

The issue of the Kesterson contamination and mitigation has been the subject of extensive hearings and investigations by the Committee on Natural Resources and its subcommittees. We have been awaiting completion of the drainage study in order to determine whether any legislation need be considered by the Committee of jurisdiction. Since the study has not yet been released, we are not prepared to make any determination as to the need for additional legislation at this time.

The questions of the drainage program, including its repayment, are components of complex and ongoing investigations and studies by this Committee, and may not be considered in the absence of other related matters. Although it is my understanding that some efforts may be made to address the repayment obligations of Central Valley Project contractors in your forthcoming appropriations bill, such action would be inappropriate and premature. The disposition of any funding and financing recommendations associated with the cleanup of Kesterson Reservoir and the irrigation drainage study programs in California and elsewhere is wholly within the jurisdiction of the Committee on Natural Resources.

As always, I look forward to working cooperatively with you and the members of your subcommittee to assure that timely and comprehensive attention is paid to this subject. In the meantime, I request that you oppose any attempt to include in the FY 1995 Energy and Water Development Appropriations bill any provision that conflicts with the legislative jurisdiction under the purview of the Committee on Natural Resources, including the Kesterson repayment matter.

Thank you for your kind attention to this matter.

Sincerely yours,

GEORGE MILLER,
Chairman.

My colleagues will recall that significant costs have been incurred for the cleanup of Kesterson Reservoir, a series of ponds in the San Joaquin Valley that were built to contain subsurface irrigation drainage water collected from farms in the Bureau of Reclamation's San Luis Unit, part of the Central Valley Project. The Kesterson facility was closed in March 1985 by then-Secretary of the Interior Donald Hodel because the drainage water was so contaminated with selenium and other chemicals that many migratory birds using the Kesterson ponds were being killed in violation of the Migratory Bird Treaty Act. Other birds were hatched with grotesque deformities caused by selenium poisoning. Congress has appropriated tens of millions of dollars to clean up this mess on behalf of the project beneficiaries in the Westlands Water District, and we have also funded extensive multidisciplinary and multiagency studies to how to reduce or eliminate irrigation drainage contamination.

There is no legislative language in H.R. 4506 that would amend current law regarding repayment responsibilities for cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program. I am grateful to the committee for agreeing to my request that this legislative matter be left to the authorizing committee. The report accompanying H.R. 4506, however—House Report 103–533, refers to a forthcoming report from the Department of the Interior, and contains the following statement regarding the subject of Kesterson and drainage study repayment:

It was and is the intent of the Committee that the [forthcoming Interior Department] report be used as a resource to assist in the fair and just apportionment of Kesterson and other drainage related costs and not serve as a method of delaying indefinitely repayment obligations.

I am concerned that this statement in the committee report might incorrectly and inappropriately be interpreted as an indication that the Secretary of the Interior has not received any guidance from Congress regarding repayment of these costs. I am also concerned that the language incorrectly implies Congress is somehow required to pass a new law, amend an existing law, or take some other action in response to a report submitted by the administration. This, of course, is not the case.

The following facts are offered so that the record clearly shows the current situation and the applicability of current law to the repayment of these cost:

The costs of cleaning up Kesterson and conducting drainage studies now exceeds $110 million;

The solicitor of the Department of the Interior has determined that under the Reclamation Projects Act of 1939 and other Reclamation laws, the water users are responsible for most of the repayment costs, and the inspector general has agreed;

Because of the emergency nature of the Kerterson cleanup, repayment was not pursued as an issue until 1990, although it was discussed years earlier at hearings of the Committee on Natural Resources and the Committee on Appropriations;

Since fiscal year 1991, House Appropriations Committee report language has directed the Department specifically not to collect payments from water users pending completion of a report on how Kesterson and drainage costs and repayment are allocated. Four years later, that report still has not been submitted to Congress for review, although it is now in its final review stages and should be sent to the Hill very soon.

In summary, the Central Valley Project and San Luis Unit water users are accountable by current law for the money that has been spent on Kesterson cleanup and the San Joaquin Valley Drainage Program.

The authorizing committees and the full House and Senate and the President will have an opportunity to review information on cleanup costs and decide whether changes to current law are appropriate. However, as of October 1, 1994, the Secretary of the Interior is obligated to begin collecting payments from users liable for repayment under current law. Since the study has not yet been released, we are not prepared to make any determination as the need for addition legislation at this time.

The committee report accompanying H.R. 4506 also raises the subject of water spreading as it pertains to the Columbia Basin Project in the State of Washington. The report language apparently is an attempt to exempt certain nonirrigable lands in the Columbia Basin Project from the definition of "water spreading" if certain conditions are met.

It is well-known that class 6 lands and rights-of-way are being irrigated in the Columbia Basin Project, and probably in many other Bureau projects throughout the West although these lands are not eligible to receive water from the Bureau. Whether the term "water spreading" is applied to these lands or not is immaterial because the use of project water on such lands is illegal for the simple reason that the lands have not been classified as irrigable by the Bureau, as is required by law. The illegal irrigation of these lands means that these lands are probably not being counted toward project repayment and perhaps not even being included in calculations of operation and maintenance expenses or acreage limitations, as required by reclamation law. The illegally irrigated lands may also be using project water that might otherwise be used for a variety of purposes including instream fishery purposes. Reclamation Reform Act enforcement issues are also of concern with regard to the illegal uses of water on Bureau project lands. I wish to assure my colleagues that all information relevant to a prompt resolution of the water spreading issues and other matters pertaining to the illegal uses of project water will be considered by the Committee on Natural Resources at an oversight hearing next month. In the meantime, however, these practices are not legal and nothing in this bill can alter existing law that makes their irrigation illegal.

The scope of this problem will not be known, even to the Bureau of Reclamation, for quite some time. It is my intention to work closely with my colleagues whose constituents are served by Bureau of Reclamation irrigation facilities to understand fully the scope of this problem and to devise appropriate remedies. I also will encourage the Bureau of Reclamation to act aggressively in determining the scope of the water spreading problem, and to take appropriate steps, including land reclassifications, as may be needed to resolve the water spreading problems. The work of the Bureau's water spreading task force in the Pacific Northwest will be especially important as these investigations proceed.

I have several additional observations regarding this Columbia Basin Project report language:

This is committee report language, it is not legislative language. As such, the language is not enforceable, and it has no meaning in reclamation law;

The term "water spreading" is not yet formally defined in reclamation law. A working definition of the term is under consideration by the Bureau of Reclamation's water spreading task force, a cooperative effort in the Pacific Northwest involving the Bureau, Indian Tribes, States, water users, and environmental interests. The report of that task force will be released later this year, and will be useful to the Committee on Natural Resources in formulating congressional policies to address water spreading problems.

The Committee on Natural Resources is very much aware of the water spreading problem, and has scheduled an oversight hearing for July 19, 1994, to receive testimony from affected organizations and individuals. Any and all issues associated with water spreading and other illegal uses of water on Bureau of Reclamation projects will be considered by the committee at this hearing.

Again, I thank Chairman OBEY and Chairman BEVILL for their contributions to this bill, and I urge my colleagues to support H.R. 4506.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], a member of the subcommittee that spent many hours receiving testimony.

Mr. ROGERS. Mr. Chairman, I thank the ranking member for this time.

Mr. Chairman, I urge the adoption of this bill, and I rise in strong support of the energy and water development appropriations bill. I want to thank the chairman of the subcommittee, the gentleman from Alabama [Mr. BEVILL], and the ranking member, the gentleman from Indiana [Mr. MYERS], for the very hard work that they and their staffs have put into this bill over the past several months in listening to the testimony and then allocating a very limited budget.

Clearly, Mr. Chairman, this is the most austere allocation for this subcommittee in memory. Yet the subcommittee listened intently to the interests of hundreds of local and State officials, and, of course, many colleagues here from this body, who were concerned about local projects to provide flood protection, improve waterways for commercial transportation,

and who were concerned with energy research that will keep our country competitive in the future, or for the very vital defense activities for which this subcommittee has enormous responsibility.

This subcommittee protects these interests, and, consequently, those of our country, Mr. Chairman, as they develop this bill each year. The collective experience of the chairman and ranking member and the other members of the subcommittee is one of the great assets, in my opinion, of this House.

This bill deserves the support of the Members for many reasons. I will mention very quickly a few. First, the bill is fiscally responsible.

As the gentleman from New Jersey [Mr. GALLO] mentioned, we are $157 million below the amount as proposed by the President, and $1.3 billion less than last year. That is $1.3 billion.

Second, the bill continues programs that we cannot do without, the Army Corps of Engineers programs, and particularly the flood control programs, which protect businesses and communities throughout the Nation. I am very pleased this bill provides for badly needed flood protection work in several eastern Kentucky communities. Taming the rivers in my region of the country is a major undertaking, and I am most grateful to the leadership of this subcommittee for supporting these efforts.

The bill provides for essential energy resource programs, promoting our ability to provide for long-term energy security. Both the civilian and defense sides of vital nuclear energy programs are contained in the bill, promoting both military and energy security.

Finally, I want to commend the panel for including funds which will continue work of the Appalachian Regional Commission, Mr. Chairman, an agency that helps needy areas in my district and throughout the Appalachian States of our country. ARC provides seed funds for basic infrastructure, educational projects, or any number of initiatives designed to give our poorest communities a chance to grow, a chance to develop, a chance to compete equally with those more privileged parts of the country.

Mr. Chairman, this bill does not meet every goal, as our panel would have preferred, but it has been developed responsibly, and, I might add, conservatively, and it deserves the solid support of all the Members of this body.

I urge the adoption of the bill, Mr. Chairman.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

□ 1320

Mr. STENHOLM. Mr. Chairman, I want to rise today to offer an amendment which would address a very serious, even life-threatening situation in San Angelo, TX, which is in my district as well as my colleague LAMAR SMITH. Twin Buttes Dam, which is a Bureau of Reclamation project, was built in the early 1960's. Due to poor design and construction of the dam, it seeps water. Although the Bureau has attempted to correct the problem, the seepage has grown worse over the years to the point where last December the water level of the reservoir was lowered well below conservation level to prevent a breach of the dam.

In fact, Twin Buttes Dam is rated the least safe dam subject to failure in the Bureau's inventory. As you can imagine, repairing Twin Buttes Dam is vitally important for several reasons, not the least of which is the fact that the lives and homes of the 40,000 people who live below the dam are endangered. Also, Twin Buttes Reservoir is the water source for 90,000 residents of San Angelo and the surrounding area. For these reasons, the dam must be fixed as quickly as possible. Furthermore, because it was faulty construction on the part of a Federal Government project, the expense of the repairs should also be the responsibility of the Federal Government.

I will not offer my amendment today because it will be held nongermane—correctly—as authorizing-type language to an appropriation bill. However, due to the life-and-death nature of this matter, I felt compelled to bring this to the attention of my colleagues so that this situation can be remedied as quickly as possible. We are asking the authorizing committee, which is the Committee on Natural Resources, and its chairman, my friend GEORGE MILLER to look at the rationale for action. I look forward to the continued input of these members as we seek to resolve this critical problem.

I do understand that my amendment would correctly be ruled nongermane to this appropriations bill because it is of an authorizing nature. I appreciate Chairman BEVILL and the committee for allowing me an opportunity to raise before this body the dangerous situation which exists in my district. My hope is that the other body and that Chairman BEVILL and Chairman MILLER will then take a compassionate position toward this cause in conference.

I am submitting for the RECORD on behalf of myself and LAMAR SMITH the amendment along with a brief history of the problems associated with Twin Buttes Dam, the recommended remedy, and rationale for why we believe that it is an equitable solution, and I appreciate the opportunity to bring this concern before the House of Representatives.

Amendment to H.R. 4506, as reported offered by Mr. STENHOLM of Texas: Page 13, line 4, strike "Act." and insert "Act: *Provided further*, That the costs relating to repairs correcting seepage problems at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof). Such repairs shall include the design and construction of a positive cut-off trench, foundation treatment, drainage, and instrumentation work.".

SAN ANGELO, TX,
February 24, 1994.

Mr. DANIEL BEARD,
Bureau of Reclamation, 1849 C Street NW., Washington, DC.

DEAR MR. BEARD, attached are summary positions held by the City of San Angelo regarding cost share requirements for any corrective action for Twin Buttes Dam.

I have included a memorandum from the city attorney which addresses some procedure points as well as legal aspects regarding the city position that it is not liable for any cost of correction work at Twin Buttes Dam.

In addition the city also contacted former U.S. Congressman, Tom Loeffler, who is associated with Arter & Hadden Law Firm.

Mr. Loeffler, an attorney, was San Angelo's congressional representative and drafted federal legislation that passed in 1984 and 1985 regarding Twin Buttes Reservoir corrective measures.

Mr. Loeffler also enlisted the services of Ron Newbury, an associate with his law firm, to do additional research regarding the legislative intent which exempted San Angelo from cost sharing of corrective measures at Twin Buttes then and now. Those conclusions are attached.

I have also included copies of appropriate laws, congressional committee reports, budgetary reports, as well as testimony before appropriate House and Senate committees which clearly show that is was the intent of Congress to have the federal government pay the cost of dam corrective action.

I appreciate the opportunity to provide this information which you requested and welcome the opportunity to discuss this further.

Sincerely,

STEPHEN BROWN,
City Manager.

Memorandum

Re: Summary of legal points with regard to Twin Buttes Dam.
To: Stephen Brown, city manager.
From: Mindy Ward, city attorney.
Date: February 24, 1994.

Please be advised that the following information is a summary only and does not address all procedures necessary to advance the City's claim. This is an outline of theories upon which our position is based.

On April 28, 1959, the United States, acting through the Secretary of the Interior (Government), and the San Angelo Water Supply Corporation (Corporation) entered into a contract for the construction of Twin Buttes Dam (Dam). The City of San Angelo (City) in turn contracted with the Corporation for water, agreeing to pay an amount identical to the Corporation's obligation to the Government and, as principal beneficiary of the Dam Project, guaranteeing Corporation's performance under the contract. The United States agreed to construct the Dam while the Corporation agreed to pay a portion of the construction costs and to operate and maintain the Dam upon completion of construction.

When the reservoir filled with water several years later, it was discovered that the Dam leaked. The seepage was attributed to the improper removal of soil from the reservoir, exposing a porous gravel strata, and to the government's failure to build a positive cut-off trench in the area of the Dam where the seepage was occurring. The City had protested these acts and omissions to no avail. Neither the City nor the Corporation had any significant control or input into the design or construction of the Dam.

The City's legal claims arise under contract and by virtue of the Reclamation Safety of Dams Act Amendments of 1984. As described above, the City is principal beneficiary and guarantor of Corporation's contract. Government agreed to build the Dam and by agreeing to undertake the project impliedly promised to build the Dam such that it would perform as expected. In fact, the Dam was not built correctly, and has never performed as expected. This constitutes a breach of the contract on the part of the Government, actionable under 28 USCS Section 1491, which provides remedies for injuries under express or implied contracts with the United States and allows the U.S. Claims Court to remand appropriate matters to government officials with directions that the Court deems proper and just.

It should be noted that there have been attempts to fix this problem but with little success. In the instance where grouting was tried, the City paid for some of the corrective work but was forgiven for the rest under the 1984 legislation which made work on Twin Buttes Dam nonreimbursable. This is important because while the Government has attempted to perform under the contract by fixing the seepage problem, it has not fully "healed the breach". In this case, it would seem logical that if a final solution satisfactory to the City both in cost allocation and method cannot be agreed upon, a lawsuit should be initiated under the above-referenced statute. With appropriate proof, it is feasible that the U.S. Claims Court could order the Bureau to remedy the original design flaw with a positive cut-off trench and order the Government to bear the entire cost.

The second legal basis for our position is the Reclamation Safety of Dams Act Amendment of 1984. This legislation does not address the type of solution needed but does state that the work will be nonreimbursable. The question has arisen as to whether the legislation is applicable to the current proposed solution because of some admittedly ambiguous language in the final legislation. I believe Mr. Loeffler's response, which I understand will be attached to this memo, deftly turns aside any argument that the legislation would not apply to work done today. In addition, it is interesting to note that the sources quoted by Mr. Loeffler support our contractual argument that the required work is not in the nature of maintenance or repair, but rather correction of an original design flaw.

For the reasons stated above, it is my opinion that the City of San Angelo is not liable for the cost of correction work at Twin Buttes Dam. Additionally, it is feasible that, should it be necessary to litigate this matter, a Court would order the Bureau to use a positive cut-off trench to comply with its contractual obligation to build a safe, properly functioning, reliable dam.

Memorandum

Re: Background on Twin Buttes Dam.
To: Stephen Brown.
Through: Tom Loeffler.
From: Ron Newbury.
Date: February 18, 1994.

I delved into the matter we discussed and was able to generate the following information. The final legislative vehicle for the provision benefitting the Twin Buttes Dam was actually the Energy and Water Development Appropriations Act of 1985 (H.R. 5653/P.L. 98-360), and not H.R. 1652. H.R. 5653 was passed into law July 16, 1984. The language in H.R. 5653 differed slightly from that in H.R. 1652. Whereas H.R. 1652 stated, "* * * shall be nonreimbursable and nonreturnable under Federal reclamation law," H.R. 5653 states, "* * * shall be nonreimbursable under Federal reclamation laws."

Though H.R. 1652 was not the final vehicle for resolution of the Twin Buttes Dam problem, certainly the intent of the Congress was explicitly expressed in the bill and its attendant House Report No. 98-168, as follows: "Additionally, the cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes Dam in Texas would be made nonreimbursable under Federal reclamation law. Due to a construction deficiency, seepage at the base of the dam has endangered the stability of the Twin Buttes facility. Because the seepage is not attributed to age, normal deterioration or nonperformance of reasonable and normal maintenance of the structure, the committee believes that the cost of the repair work should be nonreimbursable. Since the act does not make reference to construction deficiencies, this provision will clarify the reimbursement status of this safety modification work."

Under the Congressional Budget Office-Cost Estimate of the same report, in paragraph 4, it is stated, "* * *; stipulates that the cost of safety modification work planned or underway on the Twin Buttes Dam, Tex., will be borne solely by the Federal Government; * * *"

In Reagan Administration testimony in the form of an April 25, 1983, letter to House Interior and Insular Affairs Committee Chairman Udall, Interior Department Assistant Secretary Garrey Carruthers calls for a change in existing law as an amendment to H.R. 1652 to specifically include the following; "The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, shall be nonreimbursable and nonreturnable under Federal reclamation law."

Senate Report 98-258, which followed H.R. 1652's companion, Senate bill 672, then said, "* * * 3. This Amendment strikes reference to Twin Buttes Dam in Texas as the related safety work included in the bill as introduced was authorized by the Energy and Water Appropriations Act of 1984." (It is believed they meant FY1985.)

Though introduced in the House and Senate in February and March of 1983, H.R. 1652, as amended, was actually passed in August of 1984.

Responsibility for certain repairs to Federal dams was addressed again early in 1984 by President Reagan and his appointees in response to queries from Senator Paul Laxalt of the Senate Appropriations Committee and in testimony before the House Appropriations Subcommittee on Energy and Water Development. In President Reagan's response to Senator Laxalt, dated January 24, 1984, the President states, "Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary. Criteria to determine dam safety designation shall be developed by an interagency technical team in consultation with non-Federal parties."

In testimony before the aforementioned House committee, Reagan Administration official Gianelli, in response to a question from Representative Myers, said, "* * * The President addressed himself to the problem of dam safety, and as I recall what the President said in his letter, that if there is truly a safety problem at a Federal dam, the Federal Government ought to repair it at Federal expenses." "* * * So this is a subject which I think the Administration has got to give considerable attention to. I think it intends to, as indicated by the President's letter, and I think I want to make it clear that where there is strictly a safety problem, and everyone agrees that there is a safety problem, and it is a Federal dam, we certainly don't want to compromise. We want to fix that at the earliest possible date."

I have enclosed a copy of all the supporting documents referenced here. If we can be of further assistance, please do not hesitate to call.

Memorandum

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Billings, MT, May 16, 1994.

To: Regional Director, Great Plains Region; Attention: GP-430
From: Richard K. Aldrich, Field Solicitor, Pacific Northwest Region (Billings).
Subject: Reimbursement requirement for proposed safety of dams modifications at Twin Buttes Dam, San Angelo Project, Texas.

In your memorandum of May 6, 1994, you requested our opinion as to the legal basis for your position that the Project beneficiaries repay 15 percent of the cost of the proposed safety of dams work at Twin Buttes Dam in accordance with the 1978 Reclamation Safety of Dams Act as amended in 1984. We conclude that there is a legal basis for your position and provide the following opinion.

The 1984 amendments to the 1978 Safety of Dams Act specifically address Twin Buttes Dam. Section 205 of Public Law 98-360, the Energy and Water Development Appropriation Act of 1985, reads as follows: "The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws."

The question is whether the above amendment covers the currently proposed positive cut-off trench.

The first rule of statutory construction asks whether the proposed action is specifically mentioned in the statute. As one can see, a positive cut-off trench is not mentioned.

The next rule of statutory construction asks whether the statute lacks sufficient clarity as to what it covers, so that the reviewer must resort to background material to ascertain the statutes meaning (and hence its coverage). We believe that the key words in the above amendment are "foundation treatment" and "planned and underway". We conclude that neither term has the clarity needed to ascertain their meaning by merely reading the statute. Thus we are allowed to go behind that statute to determine its legislative intent.

Legal Counsel for the City of San Angelo did provide one document that we had not previously reviewed, House Report No. 98-168. The pertinent provision within that report is as follows: "Additionally, the cost of *foundation treatment*, drainage and instrumentation work *planned or underway* at Twin Buttes Dam in Texas would be made nonreimbursable under Federal reclamation law. Due to a construction deficiency, seepage at the base of the dam has endangered the stability of the Twin Buttes facility. Because

the seepage is not attributed to age, normal deterioration or nonperformance of reasonable and normal maintenance of the structure, the *committee* believes that the cost of the repair work should be nonreimbursable. Since the act does not make reference to construction deficiencies, this provision will clarify the reimbursement status of this safety modification work." (emphasis added)

We note, as did legal counsel, this report is not the report for the proposed legislation that eventually became law. However, it is contemporaneous and probably is applicable. We believe that within this report the major indication of intent is that "the committee believes that the cost of the repair work should be nonreimbursable." If this had been in the Report alone, it would be a major force in supporting the City's position. However, the above phrase is preceded by language similar to that found in the 1984 amendments "foundation treatment" and "planned or underway". We conclude that a reviewer must take these phrases into consideration to determine the full intent.

We conclude that the "committee" believed that foundation treatment planned or underway would solve the safety problem. From the facts as we understand them, the foundation treatment planned or underway was the pressure relief well system. We do not have any information that would indicate that a positive cut-off trench was planned, at this time.

Using the above Report as the indicator of legislative intent, we believe a good faith argument can be made that Congress did not intend for any and all subsequent safety of dam work at Twin Buttes Dam to be nonreimbursable. Therefore, the costs of construction of a positive cut-off trench would not be grandfathered back to the 1978 Act and would be reimbursable under the 1984 amendments.

Please contact this office if you have any other questions.

JOHN C. CHAFFIN,
For the Field Solicitor.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I might respond to the gentleman from Texas [Mr. STENHOLM], the committee is aware of the problem. We will try to work with the gentleman from Texas [Mr. STENHOLM] and help. I speak for the committee.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the legislation.

I want to certainly thank the gentleman from Alabama for his extremely hard work and long commitment to making difficult choices with respect to energy policy in this country, with the assistance of our distinguished Member, the gentleman from Indiana [Mr. MYERS], the ranking member. Both deserve a great deal of credit from the country.

I particularly wanted to thank them for their continued effort to support renewable programs, which they have done well in this year's appropriations bill.

I do want to ask the gentleman from Alabama [Mr. BEVILL] one question about the liquid metal reactor program.

Am I correct in understanding that the funding provided in the bill by the committee is for termination of this program as described in the Department of Energy fiscal year 1995 congressional budget request issued in February 1994, which outlines spending for termination of this program which includes the Experimental Breeder Reactor II, the Integral Fast Reactor and the Actinide Recycle Program, and that funds provided are for termination activities only?

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, the gentleman from Indiana is correct. It is the intention of the Committee to terminate this program as requested in the budget.

Mr. SHARP. Mr. Chairman, I thank the distinguished gentleman for his response.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to the gentleman from Indiana [Mr. SHARP]. This committee has always supported the advanced liquid metal reactor as well as the IFR program and believe that this is one of the ways that we can take some of the waste and recycle it into a usable product.

This administration has not favored continuation of this program. I personally think it is a mistake to drop these two programs, which I think are very vital to working out and helping to take care of some of our waste. Nevertheless, we had put the money in for termination. I would be pleased if somebody along the line changed our mind. It is going to cost just as much to terminate this program as it would to complete it. So it seems like it is kind of not the proper way to go, but the committee has supported the termination.

Mr. BEVILL. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I rise in support of the Energy and Water Development Subcommittee's decision to join with the House to terminate funding for the continuation of the Department of Energy advanced liquid metal reactor program. I believe that decision is the wisest one for the budget, for the environment and for nonproliferation reasons, and I salute the subcommittee and its distinguished chairman for that decision.

Mr. Chairman, I rise in support of the Energy and Water Development Subcommittee's decision to terminate funding for continuation of the Department of Energy's Advanced Liquid Metal Reactor program and associated activities. As the distinguished chairman clarified in his colloquy with the gentleman from Indiana, funding provided in the bill for these programs is for termination only, in accordance with the administration's budget request for this year.

This House voted overwhelmingly to kill the ALMR on two occasions: First, on a specific vote on this bill last year, and second, as part of H.R. 3400, the "reinventing government" bill which passed the House last November. Despite those statements of the will of the House, the ALMR not only survived last year, but received even more funding than the previous year because the other body continued to provide funding despite all the economic, environmental, and proliferation problems which continued to plague this program.

Now the time has come to make sure our votes stick and to kill the ALMR once and for all. The case against this program has gotten even stronger since the House first voted to terminate it last June. From a policy perspective, even stronger evidence now exists that the ALMR makes no sense for any mission. Last year, knowing that the ALMR is not economic for energy production, proponents of the program argued that we should develop the system as an option for disposing of surplus weapons plutonium. Since then, though, the Office of Technology Assessment and the National Academy of Sciences both have seriously criticized this approach. The National Academy of Sciences was most explicit: its study on excess weapons plutonium firmly declared that the ALMR "should not be specifically developed or deployed for transforming weapons plutonium * * *, because that aim can be achieved more rapidly, less expensively, and more surely existing or evolutionary reactor types."

From a national security perspective, the alarming developments in North Korea have made the proliferation problems the ALMR poses even more urgent. As Secretary of Energy O'Leary noted in a speech this March, the administration has proposed to terminate the ALMR/IFR program because it is "inconsistent with the President's non-proliferation priorities." The ALMR/IFR requires both plutonium separation and use of plutonium for civilian energy production, both of which the administration is discouraging other countries around the world from doing. Most importantly, as Secretary O'Leary stated, the ALMR/IFR was designed to be a breeder reactor which could produce new supplies of plutonium. As the Secretary concluded, "continued support of the IFR would make it difficult, if not impossible, for the United States to help lead the world toward reducing the threat of plutonium proliferation.

From a budget perspective, too, the case against the ALMR/IFR has become clearer and stronger. The Department of Energy has confirmed that it has spent nearly $9 billion on liquid metal reactor technology since 1948, but the technology is still from commercial viability. DOE estimates that taxpayers will have to foot the bill for well over $3 billion more over the next 14 years before industry even will consider building ALMR for commercial use. And those estimates are low, because they do not include the money needed to close out the development facilities, whose termination costs will be substantial, no matter when the program ends.

This House had a thorough debate on this program last year and wisely decided to kill

the ALMR because of its serious economic, environmental, and national security problems. Since, then, the scientific and technical experts have added even more evidence to the arguments against the program, and the President and Secretary of Energy have agreed the ALMR must go. I thank my colleagues on the Appropriations Committee for agreeing to termination of the program. I urge them and the rest of my colleagues to stand firm until this misguided program is dead, for good.

Mr. SKAGGS. Mr. Chairman, I'd like to commend Chairman BEVILL, Representative MYERS, and the other members of the Energy and Water Subcommittee for their work on this bill. As a former member of the subcommittee, I know that it was an extremely difficult task for them to make the choices they had to make under such tight budget constraints.

I'd like to thank the committee for a few items of particular interest to me. First, the subcommittee has included report language directing the Department of Energy to allocate $11.415 million, which the administration requested, to protect the public drinking water supplies from the towns of Westminster, Thornton, Northglenn, and Broomfield from possible contaminated runoff from the Rocky Flats Plant.

This will be the fifth and final year of Federal funding for this important project. Fiscal year 1994 was to be the final year of Federal funding, however, due to fiscal constraints, it was agreed that project funding would be extended for 1 more year. I'm grateful that the committee was able to accommodate this project in past years and has also been able to commit the resources necessary to complete the Federal Government's obligation this year.

Second, I want to point out that the committee has included $5.1 billion included for DOE's Environmental Restoration and Waste Management Program. While this is less than the administration requested, and less than I would have like to have provided, the tight budget we have to live with required that this program receive less than last year. This is the first time in several years that we've had to reduce funding in this important account, and I am, of course, concerned that this not set a trend. With the shift from production to cleanup now well underway, it is critical that DOE have the resources necessary to fully make this transition. DOE's budget should reflect the fact that cleanup is now the primary mission in its nuclear weapons programs. While we couldn't fulfill the administration's entire request, I believe that the committee has done all that it can under the circumstances.

It is noteworthy that the new administration has placed a premium on performing all of the requirements under the various agreements with States and other entities for environmental cleanup at its nuclear weapons facilities. DOE's environmental management request was, according to DOE, adequate to fulfill those requirements. The committee's action is consistent with meeting our obligations under these agreements, including those made by the Department in the Federal Facility Agreement and Consent Order, entered into by DOE, the Environmental Protection Agency, and the Colorado Department of Health on January 22, 1991, and the Agreement in Principle, entered into by DOE and the State of Colorado on June 28, 1989, for independent monitoring and oversight of activities taking place at Rocky Flats. For this, I want to thank the committee for ensuring that DOE has the resources necessary to meet the commitments it's made to clean up the mess at these facilities.

Third, I wish to express my appreciation to the committee for funding—at $402 million—that goes beyond the administration's fiscal year 1995 budget request for DOE's solar and renewable energy programs. These programs are a critical part of an investment in our future. They hold substantial benefits for our economy and the environment by helping to reduce our dependence on imported oil, to create jobs, to increase trade, and to decrease the emission of greenhouse gases. Most of the increase is aimed at cost-shared initiatives with industry, a step that is vital for helping mature renewable technologies prove themselves under actual conditions in the market.

Finally, I am pleased with the committee's support for the administration's request for Bureau of Reclamation programs and activities within and affecting Colorado, including funds for Colorado River Basin salinity control and for recovery of endangered fish species in the Colorado River Basin.

Again, I'd like to commend and thank the members of the subcommittee, and I urge all of my colleagues to support this bill.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the fiscal year 1995 energy and water appropriations bill. Facing severe budget constraints, the subcommittee has produced a good and responsible bill.

The bill is $1.3 billion below the fiscal year 1994 appropriation and $157 million below the amounts contained in the President's budget submission. To get to this point, the subcommittee had to make some painful decisions and not include funding for some important projects.

The bill does provide funding for a number of key projects in southern Arizona and the State. The bill fully funds the administration's request for completion of the central Arizona project [CAP] and related safety of dams work. I am especially supportive of supplemental funding and accompanying report language for design work and land acquisition for CAP system reliability for southern Arizona terminal storage. This language will help ensure a reliable supply of municipal and industrial water for southern Arizona water users pursuant to the terms of the plan six agreement.

In addition, this bill provides funding for critical flood control work at Rillito River, Clifton, Tucson Arroyo/Arroyo Chico, and the lower Santa Cruz River, among others.

This has been a difficult process for the subcommittee members. What has emerged from that process is a bill that is fiscally responsible and fair. I commend the chairman, Mr. BEVILL, and the ranking member, JOHN MYERS, for their leadership and the entire subcommittee for their work.

Mr. GUNDERSON. Mr. Chairman, today, I join the citizenry of Wisconsin in bringing to fruition its effort during the past 2 years to resolve an unhappy situation of the past 30 years.

In western Wisconsin, there is the small village of LaFarge. Often inundated by spring floods, the village sought assistance to control this periodic devastation. The Federal Government promised to help by authorizing $5.5 million to construct a reservoir and dam in 1962; thus, the LaFarge dam and lake project was born.

In pursuit of this goal, by 1969, 144 families were up-rooted from their farms, and the local school system suffered major losses in attendance. Over 8,500 acres were acquired and plans were initiated for the construction of a dam and reservoir for flood control, general recreation, and fish and wildlife purposes. Plans included the reconstruction of State Highway 131 and the construction of an educational/visitors center.

When the environmental impact statement was reviewed, concerns were raised over water quality impacts and the effects on rare species. Numerous archaeologic and historic sites were identified. For environmental reasons, work on the dam was suspended in July 1975, leaving 61 percent of the dam uncompleted, while 80 percent of the land had been acquired.

By 1990, it was estimated that annual losses resulting from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the reservoir and education center totaled over 300 jobs and $8 million for the local economy.

But to continue to look back at the losses only dimmed the potential for a vision for the future.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991, Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a citizens advisory committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of the Kickapoo Valley Reserve. The State of Wisconsin concurred in their recommendation and passed legislation creating the Kickapoo Valley Reserve and Governing Board.

Today, I introduced federal legislation with Representative THOMAS PETRI to modify the LaFarge dam project and to bring this project to a proper conclusion. This legislation will transfer to the State of Wisconsin the lands associated with the project. The legislation also formally terminates, or deauthorizes the construction of the lake and dam portions of the original authorization. The modification will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of State Highway 131 and county Highway routes "P" and "F", along with the construction of a visitor and education complex, recreational trails, and canoe facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps

has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the introduction of this legislation we bring renewed hope to the people that Government can right a wrong.

I thank the chairman and the gentleman from Indiana [Mr. MYERS] for their understanding by again fully funding to the Environmental Management Program [EMP] on the Upper Mississippi River (section 1103, PL 99–662). I especially appreciate the effort of Energy and Water Subcommittee Chairman TOM BEVILL and ranking member JOHN MYERS at sustaining the EMP, despite the severe fiscal constraints placed on the subcommittee. I'm very pleased to say that with your support the EMP has been and continues to be a great success.

As you know, the EMP was established in 1986 to foster a comprehensive and cooperative approach to management of the multiuse and interjurisdictional resources of the Upper Mississippi River. The program is directed by the Army Corps of Engineers and funded through the corps' general construction budget. It focuses on habitat rehabilitation and enhancement projects—habitat projects—and long-term resource monitoring—resource monitoring—in and around the river. I am extremely pleased that the committee appropriated the full amount for the EMP because this 15-year program is not cost indexed for inflation.

THE EMP HAS RECEIVED BROAD-BASED SUPPORT

The EMP is on the cutting edge of river management, and has won broad-based support from many in the industry. The National Research Council said the EMP should serve as a model for Federal-State partnerships on other rivers, stating: "It is among the first in the Nation to address conflicting Federal mandates for large interstate rivers and to redress habitat degradation caused by alteration within the rivers and their drainage basins."

Similarly, the corps in testimony before Congress and the Director of the U.S. Fish and Wildlife Service have praised it as an important model for future programs in this country and abroad. In fact, in July international experts will convene at the program's Environmental Management Technical Center to study the program as part of a conference on river management.

The new National Biological Survey [NBS] created by Secretary of the Interior Babbitt has goals and objectives nearly identical to the EMP's Resource Monitoring Program, and the Resource Monitoring Program will form the foundation for expanded ecosystem analysis by the National Biological Survey on the Upper Mississippi River.

Most important of all, the EMP is critical to maintaining the environmental and economic health of the Upper Mississippi River region. The river is used by millions each year for recreation, swimming, boating, fishing, and hunting. The upper river alone has over 200 boat harbors, 445 recreation sites, and thousands of acres of wildlife refuges. The corps recently completed its study of the "Economic Impacts of Recreation on the Upper Mississippi River System" which conservatively estimated that recreation produces $1.2 billion in economic benefits (in 1990 dollars) and 18,000 jobs nationwide. For the 76 counties along the upper river, recreational activity supported $400 million in output and 7,200 jobs.

The construction of 16 habitat projects has been completed and another 7 are under construction. In addition, Mr. Chairman, I am happy to report that the habitat projects performed as designed during the flood of 1993. As a result of monitoring completed habitat projects, the EMP will allow up to improve new habitat designs to compensate for navigation effects on the river. Information we have gathered will help us design future navigation systems that are more compatible with the environment, especially with regards to hydropower, sedimentation, fish and wildlife, and water pollution. One example, the Bertom and McCartney Lakes project in Wisconsin, has succeeded in sufficiently raising dissolved oxygen levels in the backwaters. The number of fish species in the backwater areas has increased as a direct result.

The EMP is and has been recognized as a unique partnership that works. The Bureau of Reclamation, the Tennessee Valley Authority, and managers from many other river systems are enthusiastic about the EMP and it application elsewhere, including in the National Biological Survey.

In fact, with the active encouragement of State, Federal, and local environmental and wildlife agencies, I have introduced legislation, H.R. 2500, which builds on the success of the EMP by applying the same principles for interjurisdictional river resource management to the entire 28-state Mississippi River drainage basin.

FULL FUNDING FOR EMP

Last year, the third year in a row, the administration requested and Congress provided full funding of $19.46 million for the EMP. As I have explained before, maintaining full funding for the program is especially critical at this stage, given the shortfalls in funding during the program's early years. For your information, I have included a table which illustrates the program's funding history:

Year	Authorized	Appropriated (millions)	Shortfall
1988	16.72	$5.168	$11.55
1989	18.56	7.9	11.06
1990	19.95	14.86	5.09
1991	19.46	17.0	2.46
1992	19.46	19.46	0
1993	19.46	19.46	0
1994	19.46	19.46	0
1995	19.46	.....	.....
1996	19.46	.....	.....
1997	19.46	.....	.....
Total	191.45	83.994	30.16

You can see by the figures that EMP funding to date has fallen short by $30 million. For this reason, I am extremely grateful that the House has appropriated the authorized amount for fiscal year 1995.

THE 1993 FLOOD DELAYS EMP PROJECTS

As my midwestern colleagues know, spring flood of 1993 affected all who lived along the river. It also affected the progress of construction projects under the program. On the bright side, those habitat projects that had been completed or under construction weathered the flood well, sustaining only minor damage. The flood interrupted construction at three sites and delayed the awarding of contracts at another three, however. Reassignment of corps personnel to flood response duties also hampered planning and design activities. Consequently, the corps has allowed the program to carry forward into fiscal year 1994 $3.3 million in unexpended funds. In prior years, such carryovers were not at all certain. This setback is yet another reason why full funding in fiscal year 1995 is necessary.

The flood validated the investment that has been made in the monitoring component of the EMP, however. Data gathered under the resource monitoring programs played a key role in the White House sponsored Floodplain Scientific Assessment and Strategy Team efforts to analyze the effects of the flood. Resource monitoring personnel from both the Environmental Management Technical Center and the State-operated field stations participated on the team. These personnel continue to play the key roles on the team as recommendations are formulated.

DELEGATED AUTHORITY ACCELERATES APPROVAL OF PROVEN PROGRAMS

The corps recently streamlined its approval process for small-scale projects in order to administer EMP funds more efficiently. In December, the corps delegated to the commander of the north central division the authority to approve small-scale habitat rehabilitation or enhancement projects. This authority applies to individual projects with estimated construction costs of $2 million or less. To qualify, projects must be typical or previously approved and must clearly fall within policy parameters established by previous decisions. The delegation will speed up construction of small-scale projects because it will decrease approval time by 50 percent. In addition, 20 of 50 remaining programmed projects—or 40 percent of the remaining projects—could qualify under this authority.

SUMMARY

In closing, I thank the chairman, Mr. OBEY, and Chairman BEVILL for realizing the importance of the EMP, both to the Upper Mississippi River region and as a model for future programs in the United States. The committee and the subcommittee deserve credit for the foresight that has been associated with the program. We need now only to maintain the program's authorized funding level, and take the minimum steps to ensure that those funds are put to their maximum good use.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of committee's recommendation that $600,000 be appropriated for construction of flood protection along the Ramapo River in Oakland, NJ. This appropriation will enable construction of the necessary flood control gate to begin slightly ahead of schedule and save the Federal Government money.

More importantly, however, this funding will save property and possibly even lives. In the wake of several catastrophic natural disasters of the past few years, every Member in this body is acutely aware of the devastation and suffering natural disasters can inflict. The area of Oakland receiving assistance under this act has suffered 11 floods in the last 24 years. In fact, the 1984 flood, alone, caused over $8 million in property damage. When considering the modest authorization recommended in this

legislation, in the context of even one major floor, it is a small price to pay.

The Ramapo River flood control project was first authorized in the Water Resources Development Act of 1986. The preconstruction engineering and design work has been completed and the general design memorandum [GDM] is awaiting imminent approval. The residents of Oakland are anxious to have this project completed, and the U.S. Army Corps believes construction can be completed over the next few years.

Clearly, each year that passes without a major flood, in this region, is tempting fate. I hope this project can be fully funded and completed, before another disaster occurs.

Mr. Chairman, on behalf of the citizens of Oakland, NJ, I want to thank the committee for including the Ramapo River flood control project in this bill, and for all their hard work on this legislation.

Mr. DE LA GARZA. Mr. Chairman, included in the fiscal year 1995 energy and water appropriations package are two projects of great interest to me for which I want to express my support for funding. They are as follows:

Corpus Christi Ship Channel, TX, is a navigation project which is budgeted for operation and maintenance at $8,489 million. Continued funding of this project is essential due to the impact on the local economy. The project provides for widening and deepening the existing channels—40.5 miles—and basins from the the Gulf of Mexico to deepwater ports at Harbor Island, Ingleside, and Corpus Christi, and a branch channel to the port of La Quinta to provide a project depth of 45 feet. It also includes the construction of mooring areas and dolphins at Port Ingleside, one mooring area and six dolphins constructed initially with seven others deferred to be constructed when required.

Lower Rio Grande Basin, South Main Channel, TX, is a comprehensive flood control-drainage project which is budgeted at $900,000. It provides the major outlet component of an overall flood protection plan for Willacy and Hidalgo Counties. The authorized plan calls for construction of a major channel extending from near McAllen to the Laguna Madre, and related fish and wildlife mitgating measures. The authorized plan would provide 2-year protection to rural areas which drain into the South Main Channel; 100-year flood protection to the cities of Edinburg, McAllen, and Lyford; and 50-year flood protection for the cities of La Villa and Edcouch.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4506, the fiscal 1995 energy and water development appropriations bill.

I wish to commend subcommittee chairman TOM BEVILL and ranking member JOHN MYERS for their superb efforts in crafting this legislation. Once again, they have done an outstanding job of bringing this bill in under the President's budget request, and significantly lower than last year's funding level.

Indeed, the bill is some $1.3 billion below the fiscal 1994 appropriations level. It is a lean and responsible measure which funds only the Nation's highest priority energy and water development projects.

What's more, the hundreds of projects nationwide which are funded under this bill will help create jobs, generate tax revenues, enhance the environment, and protect property.

These investments in our Nation's infrastructure will strengthen our economy, while assuring that we have something to show for the money after it has been spent.

It is equally important to note that these projects serve more than just the parochial interests of the States or communities which sponsor them. They also help to fuel our Nation's economic engine.

Putting people to work, and enlarging our economic pie, is the best way to reduce the budget deficit and get our country moving forward again. That's what this bill will accomplish.

I am especially pleased that the legislation provides funding for some 11 important navigation, beach erosion, and flood control projects in my district in southern New Jersey.

All of these projects are intended to enhance the multibillion dollar tourism, boating and commercial shipping industries, which are the major industries in my region.

Among the projects funded under this bill are: beach replenishment in Cape May City and Ocean City; maintenance dredging along the intracoastal waterway, Cold Spring Inlet, and Salem River; and the deepening of the Salem River to 18 feet.

In addition, the bill provides for feasibility studies along Brigantine Inlet, Townsends Inlet, Great Egg Inlet, the Delaware Bay coastline, and the Lower Cape May Meadows-Cape May Point.

I am especially pleased that the committee has directed the Army Corps to initiate construction of the Salem River project.

The Salem Port is already one of the busiest feeder ports along the entire Northeast, and is an important transshipment point to the Caribbean. The deeper water will enable the port to reach its full potential in the years ahead.

I am also pleased that the feasibility study along Great Egg Harbor Inlet to Townsends Inlet will finally be getting underway.

This survey will lay the groundwork for a remedial plan to address the severe beach erosion problems along the southern end of Ocean City, Ludlams Island, Upper Township and Sea Isle. It is the only phase of the New Jersey shore protection master plan which is not yet underway.

All of these projects will help support the basic industries in my district, which depend on clean, sandy beaches and navigable waterways.

In addition to providing significant economic benefits, the beaches are our last line of defense against the forces of nature.

It is important that we protect and maintain these natural resources, and that the Federal Government be a full partner in this effort.

Incidentally, I am probably one of the few, if not only, Members of Congress who asked the committee not to fund a project in my district which was included in the President's budget.

While it is a good project, I felt it could wait until we get a better handle on our fiscal problems in Washington.

I urge a "yes" vote on the bill.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the H.R. 4506, the bill providing for energy and water development appropriations for fiscal year 1995. This bill is the product of many hours of hard work, and I urge my colleagues to support it.

Mr. Chairman, the Energy and Water Development Subcommittee took a tremendous hit this year in the budget allocation process. The fiscal year 1995 allocation for energy and water is $1.3 billion below our 1994 allocation. The total new budget authority provided in this bill is $157 million less than the administration's request and $17 million below the target 602(b) allocation.

As we often hear, we are all asked to do more with less. I believe that this bill represents the most we could do with much less than we need. I want to commend the chairman, Mr. BEVILL, and the ranking member, Mr. MYERS, for their hard work. As usual they have done a fine job of working with the Members and their constituents. I also want to thank the chairman's outstanding staff for once again making the seemingly impossible happened by putting together a bill that addresses our needs within our severe fiscal constraints.

Let's look at some of those fiscal constraints. Of the Department of Energy's $16 billion budget, $6 billion is dedicated solely to environmental cleanup. That's 37 percent of the DOE's total budget that is completely unavailable for productive scientific initiatives. This $6 billion represents almost 30 percent of the subcommittee's total allocation of $20.4 billion.

To use a budget analogy, the subcommittee's environmental cleanup costs are like nondiscretionary entitlements in the overall Federal budget. As those cleanup costs grow, there is simply no discretionary money left for the projects so important to the Members and their constituents.

Despite these constraints, the committee has put together an outstanding bill. The bill includes funding for the U.S. Army Corps of Engineers' flood control projects in every State in the Union. As the recent floods in the Midwest prove, flood protection is the imperative. Public safety demands that we look for immediate solutions to protect the people's lives and livelihoods. In addition, the bill provides funding to pursue the corps' new environmental mission of restoring and enhancing riparian habitat along America's waterways.

Funding for the Bureau of Reclamation also reflects the changing face of western water policy. In the past, Bureau of Reclamation projects were seen as projects exclusively for cities, industry, and agriculture above all else. Today, we recognize that there is no way to separate the issues of water use and the environment. The bill continues the Bureau's transition from a construction agency to a resource management agency by funding water delivery systems that take into consideration the impacts on the environment.

The Department of Energy's budget is also included in this bill. In particular, the bill recognizes the role of advanced and renewable energy technologies by providing funding for research, development and most importantly, the commercialization of these technologies. I believe that we have really turned the corner with advanced and renewable technologies. We are finally seeing the work of DOE come to fruition as these technologies move from the laboratory to commercial application.

We have also sent an important signal to the international community with this bill. That

signal fortifies our commitment to maintaining our position as the world leader in high energy physics. I recently had the opportunity to meet with several Nobel Prize laureates about the future of high energy physics in America. I heard their stories of economic hardship and lack of job opportunities for our country's young physicists. This bill provides opportunities for these young physicists to work on smaller projects so they can continue to contribute to our standard of living by breaking new scientific ground.

In like fashion, this bill represents the hard work of the committee to craft an energy policy that includes fusion energy programs. Fusion offers the potential for abundant, environmentally attractive large-scale energy production. The fusion process does not produce undesirable combustion products and greenhouse gases that damage air quality. We are all looking forward to the day when we see commercial application of fusion energy. The program we have put in place in this bill moves us closer to that day.

Mr. Chairman, this bill is a balanced approach. It is the product of hard work and tough choices. We have been asked to do more with less. The committee has met that mandate. I strongly urge a "yes" vote.

Mr. FINGERHUT. Mr. Chairman, I wish to commend Chairman BEVILL and the members of the House Appropriations Subcommittee for their work on the energy and water development appropriations bill for fiscal year 1995. This bill included provisions critical to the environmental and economic well-being of my congressional district in northeastern Ohio.

Of special importance is funding exceeding $4 million in fiscal year 1995 for Army Corps of Engineers operation and maintenance activities at the Ports of Conneaut, Ashtabula, and Fairport Harbor, OH. This traditional Federal program remains a critical element of the recreational and commercial navigation activities on the shores of Ohio.

Additionally, I would like to compliment Chairman BEVILL for including funding of $500,000 for section 401 of the Water Resources Development Act. This innovative program will assist local communities in the implementation of remedial action plans toward environmental restoration on a cost share basis. I am especially proud that Ashtabula, OH is positioned to be the first community in the Nation to ever use this important program. It is the critical first step to cleaning and dredging a river that has not been maintained for over 33 years

Mr. FAWELL. Mr. Chairman, I have concerns about fiscal year 1995 Energy and Water Development appropriations bill, H.R. 4506, especially the funding included in the bill to initiate construction and capital equipment acquisition for the Advanced Neutron Source, or ANS.

I want to elaborate on the reasons for my concerns for what is basically a scientifically meritorious and much-needed project. First, I will provide some background information on the ANS. I will then proceed to discuss a number of troubling issues that, in my mind, call into question the wisdom of proceeding with ANS construction and capital equipment acquisition in fiscal year 1995.

BACKGROUND

The Advanced Neutron Source [ANS], to be sited at Oak Ridge National Laboratory, is designed to be the world's highest flux—that is, numbers of neutrons per unit area per second—research reactor for producing beams of subatomic particles called neutrons for research in the physical, chemical, and biological sciences, as well as for the production of radioisotopes for use in medicine. It is to be a user facility available to industry, university, and government researchers, and 5 to 10 times more powerful than the best existing facility, the ILL reactor in France. The ANS is intended to replace the high flux isotope reactor at Oak Ridge National Laboratory and the high flux beam reactor at Brookhaven National Laboratory, which began operation in the 1960's and are nearing the end of their useful lifetimes.

The ANS has been under development for more than a decade and has strong support from the neutron-user community, who total around 1,000. It has been endorsed by National Academy of Sciences and Department of Energy [DOE] scientific panels. The most recent review, by a 1992 DOE scientific committee, recommended completion of the design and construction of the ANS, as well as the development of competitive proposals for the design of a 1-megawatt pulsed spallation neutron source.

The current ANS design assumes the use of nuclear-weapons grade highly enriched uranium—enriched 93 percent in the isotope uranium-235—fuel and heavy water as a coolant/moderator. Its current estimated cost during the period of construction is $2.9 billion and estimated operational costs for a 40-year life span are $6.2 billion, for a total of $9.1 billion. However, as detailed below and further elaborated in attachment 1, this cost estimate is highly uncertain, and could easily exceed $13 billion, making the ANS the most expensive scientific project since the superconducting super collider.

The ANS was first proposed as a construction start in DOE's fiscal year 1994 budget request, and was included as one of President Clinton's fiscal year 1994 "Investment Proposals." The fiscal year 1994 DOE request totaled $39 million, including $12 million for operating expenses, $1 million for capital equipment, and $26 million for construction. The House approved a total of $22 million in fiscal year 1994 Energy and Water Development appropriations bill—$10 million for operating expenses and $12 million for construction. The Senate deleted ANS construction funding, and instead provided $17 million in operating expenses for continued design and research. During the conference deliberations, Office of Management and Budget Director Panetta sent a letter to Senator HATFIELD on October 13, 1993, stating:

> The Department of Energy has decided to defer the construction of the ANS. This will allow the Department to continue its efforts to study the impact on ANS performance goals if low or medium-enriched uranium fuel is used; highly enriched uranium fuel is assumed in the current design. This course of action will require only the $12 million originally requested for research and development in FY 1994.

The conference committee adopted the Senate-passed $17 million for ANS operating expenses, stating:

> The conferees support the continuation of the Advanced Neutron Source and the conference agreement provides $17,000,000 for the project. This is the amount needed for the continuation of essential research and development, reactor safety and regulatory compliance tasks. This will include work on the draft Environmental Impact Statement, completion of advanced concept design studies and updates to the appropriate baseline documentation and applicable activities to position the project to proceed. The conferees expect a construction start next year upon accomplishment of this required work.

The House and Senate approved the conference report on October 26 and October 27, 1993, respectively, and President Clinton signed the fiscal year 1994 Energy and Water Appropriations Act on October 28, 1993—Public Law 103–126.

The fiscal year 1995 DOE request for the ANS totals $40 million—$12.3 million for operating expenses, $1 million for capital equipment, and $26.7 million for construction. The House Appropriations Committee has recommended a total of $21 million—$10 million for operating expenses, $1 million for capital equipment, and $10 million for construction.

ISSUES

There are several ANS issues that should be reviewed prior to the initiation of construction funding and capital equipment acquisition for the project: One, cost; two, nuclear nonproliferation concerns; three, spent fuel management; and four, regulatory concerns. I will discuss each of these in turn.

1. COST

The ANS has been under development for more than 10 years, first as an upgrade to the existing high flux isotope reactor at Oak Ridge National Laboratory. In a February 26, 1984, Oak Ridge group's presentation to the Major Materials Facilities Committee of the National Research Council, the cost of what was then called the high flux isotope reactor upgrade [HFIR–II] was $254 million. By the time of the first construction request in fiscal year 1994, the DOE estimated the ANS's total project cost to be $2.75 billion—over 1,100 percent increase, compared to a little over 37 percent cost-of-living increase during the same period. In the fiscal year 1995 request, DOE increased the ANS cost to $2.88 billion—over a $134 million increase in only one year. By the end of fiscal year 1994, the ANS will have received a total of $103.3 million—more than 40 percent of the original estimated cost of $245 million.

In addition, DOE estimates the reactor is to have a 40-year life, with an annual operating cost—in year 2004 dollars—of $155.1 million. This will require an additional $6.2 billion over the life of the reactor.

Furthermore, DOE cost estimates are based upon a design using nuclear-weapons grade highly enriched uranium fuel. If, because of nuclear nonproliferation concerns—discussed below—a low-enriched uranium fuel is used, DOE estimated, in 1993, that the project's construction cost will increase by at least $600 million and require an additional $60 million annually in operating costs. And DOE's ANS cost estimates also do not include costs for

spent fuel disposal and for decontamination and decommissioning [D&D] activities, which have been estimated at about $500 million and $150 million, respectively, by a 1992 review committee. As shown in attachment 1, inclusion of all the terms would increase the cost of the ANS to $12.9 billion.

Finally, it should be noted that DOE's $12.9 billion cost estimate may well be understated for at least three reasons. First, DOE cost estimates include only one-third of the cost of the project's required experimental equipment. Second, DOE cost estimates assume that the heavy water, used as a coolant/moderator, will be provided at no cost from current stocks in DOE's nuclear weapons program. Third, DOE cost estimates do not provide any role for the Nuclear Regulatory Commission [NRC] in the ANS's safety reviews or operations—and based on commercial nuclear powerplant experience, NRC involvement would likely result in significant construction delays, design changes, and cost increases.

2. NUCLEAR NONPROLIFERATION CONCERNS

As noted above, the current design for the ANS uses nuclear-weapons-grade highly-enriched uranium [HEU] fuel. United States policy since 1978 has been to diminish and eventually eliminate the use of HEU fuel in civilian nuclear power programs worldwide. In pursuit of this objective, the United States has encouraged other countries to move from nuclear-weapons-usable HEU to low-enriched uranium [LEU] fuel for research reactors under the aegis of the Reduced Enrichment for Research and Test Reactors [RERTR] Program.

The RERTR Program has been very successful. Of the 42 foreign research reactors that depend on imported U.S. HEU fuel, the RERTR Program has developed the fuel necessary to convert all but three reactors located in Germany. In addition, since 1980, all research reactors worldwide, with the exception of the FRM–II reactor in Germany, have been designed to use LEU cores—and the U.S. State Department has been strongly encouraging Germany to use LEU fuel in the FRM–II reactor. Attachment 2, a May 12, 1994, article from Nature magazine, provides further background on the FRM–II situation.

It is also important to note that the above HEU fuel policy, which has been endorsed by four Presidents—two Republicans and two Democrats—was reinforced by section 903 of the EPAct, which prohibits the export of HEU fuel—defined in the act as any uranium fuel enriched to 20 percent or more in the isotope uranium–235—for foreign research reactors unless three conditions are met:

One. The reactor must be technically incapable of using any of the LEU fuels currently available;

Two. The recipient of the fuel must agree to use an LEU fuel when it becomes available; and

Three. The United States must be actively developing an LEU fuel that can be used in that reactor.

DOE has, however, been resisting the use of LEU in the ANS, arguing that the use of LEU fuel has been studied and "found to lead to a design which would not meet the scientific requirements for this facility." As noted above, DOE also estimated, in 1993, that the use of LEU fuel would add approximately $600 million to the ANS's construction cost and $60 million to its annual operating cost.

The State Department disagrees strongly with the DOE's position. In a September 7, 1993, letter to Dr. John G. Keliher, Director of DOE's Office of Intelligence and National Security, Robert L. Gallucci, Assistant Secretary of State for Politico-Military Affairs, stated:

* * * In order to implement this policy effectively, we [the U.S. Government] will need to make sure we are taking all reasonable steps to assure that LEU is used in our domestic programs. Failure to do so would send a powerful, negative signal to governments in Western Europe, Canada, Australia, and Japan which have been cooperating with us in the effort to reduce the use of HEU worldwide. The message would not be lost on the Russian Government, which could be expected to ignore any U.S. pleas not to step in and start selling HEU for research reactors and medical isotopes to customers around the world.

In particular, I would like to ask you to consider four major steps: (1) conversion of DOE's existing research reactors to low enriched fuels; (for older reactors, an announcement of a schedule of closings would seem appropriate); (2) postponement of the proposed plan to have Los Alamos begin production of molybdenum 99 from HEU targets for medical isotopes; (3) cooperation with us to devise ways to encourage foreign producers of molybdenum 99 to use LEU fuel in order that we can all compete on a level playing field; and (4) reconsideration of a program to develop high density LEU fuels for use in DOE reactors, three West European reactors, and Soviet designed research reactors.

The Reduced Enrichment for Research and test Reactor (RERTR) program, which DOE established at Argonne to develop low enriched uranium fuels for use in research and test reactors and to provide conversion assistance to U.S. and foreign reactor operators has been very successful. Only three research reactors abroad have been unwilling to convert their reactors to low enriched fuels.

The original intention had been that DOE convert its research reactors. However, for a variety of reasons this did not occur. The fact that DOE did not plan to convert its own reactors was used by the three European reactor operators as justification for their refusal to undertake conversion.

Another factor argues for a re-examination of a research and development program for high-density LEU fuel. In Russia, several other CIS republics, Eastern Europe, North Korea and elsewhere, there are numerous Soviet-designed reactors operating on HEU which cannot use low density LEU fuel developed under the RERTR program in the 1980's. We understand that much of the developmental work for high density fuels would be directly applicable to new LEU fuels for Soviet reactors. Given the importance of converting Soviet reactors to LEU fuels and of gaining Russian [sic] cooperation on reducing or eliminating HEU in civilian programs, the cost of developing high density LEU fuels may now be worthwhile.

The complete text of this letter is included as attachment 3.

DOE has under way a study of determining the reduction in performance of the ANS using LEU fuel with varying degrees of enrichment and density, but has made no decision with regard to its use in the ANS.

Congressional approval of starting construction of the ANS using HEU fuel would be a major blow to U.S. credibility in the nuclear nonproliferation arena. The United States cannot credibly urge others not to use nuclear weapons-grade HEU fuel if it intends to use that fuel in the ANS. Such an action would clearly undercut ongoing U.S. State Department efforts to convert numerous Soviet-designed reactors and Germany's FRM–II reactor to LEU fuels. In short, it would provide an excuse for all other nations to oppose international efforts to end the use of HEU fuels.

3. SPENT FUEL MANAGEMENT

The current ANS design is based on the assumption that its spent fuel later will be sent to Savannah River, and has provided for only 2 years of spent fuel storage in the reactor building. Spent fuel shipments to Savannah River were suspended in April 1992, and DOE currently has under way a programmatic spent fuel management environmental impact statement [EIS] that will not be completed until June of next year. The outcome of that EIS could greatly influence the cost and management of the ANS spent fuel.

4. REGULATORY CONCERNS

The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974 exempt all DOE facilities from Nuclear Regulatory Commission [NRC] licensing requirements except for facilities that produce electricity or specific facilities to be built and operated for the purpose of demonstrating the suitability for commercial applications. The ANS, with no commercial power operation potential, clearly falls in the exempt category.

Given that DOE's past self-regulatory efforts have been inadequate, NRC involvement is under consideration by DOE's upper management. If DOE turns over ANS reactor safety and operations to the NRC, it is likely to result in significant construction delays, design changes, and significant cost increases.

SUMMARY

The four ANS issues—cost, nuclear nonproliferation concerns, spent fuel management, and regulatory concerns—argue for possible deferral of ANS construction and capital equipment acquisition in fiscal year 1995. A 1-year pause would provide an opportunity for in-depth congressional hearings, and for DOE to review a number of ANS issues. It would also give the scientific community a chance to reexamine the ANS.

As a prudent course, I would recommend that total ANS funding in fiscal year 1995 be limited to $17 million in operating expenses only, the same as for fiscal year 1994. A year's delay would give DOE time to fully explore the use of LEU fuel in the ANS and to resolve a number of other ANS issues, including its escalating and uncertain costs, and the potential for internationalizing the project.

Attachment 1. Advanced Neutron Source (ANS)—Detailed cost estimate

Item:	*Billions*
Sunk cost: Department of Energy (DOE) estimate of ANS funding through fiscal year 1994	$0.1
Construction cost: DOE estimate of ANS's cost for construction through a completion date of late 2003	2.2
Other project costs during construction: DOE estimate of ANS's other construction-related costs through a completion date of late 2003	.6

	Billions
Operational cost: DOE estimate of operational cost of ANS, computed at $155.128 million a year for a 40-year life span	6.2
Subtotal	9.1
Other items:	
Spent fuel disposal: December 1992 estimate by the DOE Office of Nuclear Energy Project Management Subcommittee's review of the ANS Conceptual Design Report	.5
Decontamination and decommissioning: December, 1992, estimate by the DOE Office of Nuclear Energy Project Management Subcommittee's review of the ANS Conceptual Design Report	.2
Total	9.9
Additional cost of ANS design based on low enriched uranium core: August 1993 Acting Director of DOE's Office of Nuclear Energy estimate of additional ANS cost	.6
Additional operational cost of ANS with low enriched uranium core: August 1993 Acting Director of DOE's Office of Nuclear Energy estimate of additional ANS operational cost, computed at $60 million a year for a 40-year life span	2.4
Potential total ANS cost	12.9

Attachment 2

[From Nature, May 12, 1994]

URANIUM FUEL SPARKS GERMAN-U.S. CONTROVERSY

MUNICH.—More than 20 of Germany's top physicists have sent a letter to ministries, politicians and licensing authorities in Germany expressing concern over the proposed use of highly enriched uranium (HEU) in a new research reactor planned for construction in Garching near Munich.

Their main complaint is that the so-called Forschungsreaktor München II (FRM–II) would as currently planned undermine attempts led by the United States to eliminate the world-wide use of HEU in research reactors, and to substitute it with the less energy efficient but safer low enriched uranium (LEU).

The United States, at present the west's only supplier of HEU, has introduced strict controls on the distribution and use of this fuel, quoting its commitments under the terms of the Nuclear Non-Proliferation Treaty (NPT), which came into effect in 1970. In addition, over 50,000 individuals in Germany, including many scientists, have backed a demand that the FRM–II be redesignated to use LEU fuel.

But the scientists at Munich's Technical University who have designed the FRM–II argue that converting it from HEU to LEU would be extremely costly. They also claim that such a move is unnecessary, as Germany is a signatory of the NPT, and thus has strict controls on the use of nuclear fuels.

Last week saw the opening of an inquiry into the planned reactor, which will provide high energy neutrons for researchers in materials and medical sciences. German physicists have been trying to establish a new national neutron source since the late 1970s, as the country's four working research reactors are aging, and have neutron fluxes too low to meet all current research needs.

Planned for construction next to Munich university's existing research reactor, known as the Atom-Ei (atomic egg) because of its shape, the new reactor would have a high neutron flux (80010^{12} per second per cm^2) and would cost DM525 million, two thirds paid by the federal government, and the rest by the state of Bavaria.

Wolfgang Gläser, professor of experimental physics in Munich and former director of Europe's most powerful research reactor at the Institut Laue-Langevin in Grenoble, France, says that the use of HEU, made up of 93 per cent ^{235}U and 7 per cent ^{238}U, is needed to achieve the required neutron flux at a power of 20 megawatts.

If the new reactor is required to use a mixture of only 20 per cent ^{235}U (and 80 per cent ^{238}U), he says, it would have to operate at twice this power, raising annual running costs from DM20 million to DM30 million. In addition, conversion is likely to cost an estimated DM200 million.

Gläser also argues that LEU provides a similar security risk to HEU, as ^{238}U in the fuel is converted to plutonium. But Werner Buckel, former president of the German Physics Society, says that sophisticated reprocessing technology is required to extract this plutonium, which is already at low levels, and that the risks are therefore not comparable.

The United States has established a programme to develop alternative high density LEU fuels. Its overall policy, intended to reduce the risks of nuclear proliferation, was reinforced by the Schumer amendment to the 1992 Energy Policy Act, which specifies three conditions for the supply of HEU to research reactors.

First, the reactor must be technically incapable of using any of the LEU fuels currently available. Second, the relevant national government must agree to use an alternative, compatible LEU fuel type, if one becomes available. Finally, the United States must become involved in developing an LEU fuel type that would be compatible with the specified reactor.

Despite the extra costs incurred by reactors using LEU fuel, the policy has so far been highly successful. Thirty eight of the 42 research reactors outside the US which depend on imported US fuel have already switched, or are preparing to switch, to LEU. These include Germany's four current research reactors in Berlin, Hamburg, Julich, and the Atom-Ei in Garching. One of the remaining four is now considering switching, and the other three are not technically capable of conversion.

Given this virtually universal compliance with the policy, as well as Germany's ultrasensitivity to 'green' issues, the country's insistence on using HEU at Garching has generated widespread surprise.

Government officials deny that the use of HEU will increase the risk of nuclear proliferation. They point out that strong security measures have been incorporated into the FRM-II plans to meet the demands of both the European Atomic Energy Community (Euratom) and the International Atomic Energy Agency.

But Robin Delabarre from the US State Department's section on nuclear affairs says that this is not the point. "The German safeguards are fine," he says. "But it is not a problem specific to Germany; there is a general concern about the risks of international transport and use of weapons-grade materials."

The US is particularly worried that, by breaking ranks, Germany could encourage those responsible for research reactors in other countries to reconvert their reactors to use the cheaper HEU fuel. If that happened, however, a new question would arise concerning the origins of the fuel.

Gläser says he is confident that the US will agree to supply FRM-II with HEU, accepting the reactor as an exception to its general rules on the grounds that a redesign to use LEU would be uneconomic. But Delabarre says that economic reasons are not sufficient to allow an exception, and that a request for HEU from Garching would "most likely not be approved".

The State Department has been urging the Garching team—so far unsuccessfully—to work with US scientists at the Argonne National Laboratory near Chicago on low enriched fuel that would be both technically and economically acceptable.

If the US refuses to supply the HEU (no such fuel has been exported from the US since 1992) and the reactor is not converted to use LEU, its fuel will have to be sought elsewhere. It will have to be ordered through Euratom, as nuclear installations in Germany, as in all other countries of the European Union, are obliged to do.

A spokesperson for Euratom admits that US policy has put its HEU supplies "in grave doubt in the near future". The organization is considering new sources—possibilities include the United Kingdom, France, and Russia—but will not discuss the options it is considering.

The public hearing, which is part of the nuclear license procedure for FRM-II, is likely to continue for several weeks. Bavaria's prime minister Edmund Stoiber says he would like to see a (positive) licensing decision taken before the state elections in September. But few expect a decision much before Christmas.—Allson Abbott

Attachment 3

U.S. DEPARTMENT OF STATE,
Washington, DC, September 7, 1993.

Dr. JOHN G. KELIHER,
Director, Office of Intelligence and National Security, Department of Energy, Washington, DC.

DEAR DR. KELIHER: I am writing you regarding USG policies involving use of highly enriched uranium in civil programs.

As you know, it has been U.S. policy since the Carter Administration to discourage the use of highly enriched uranium in civil programs both domestic and foreign. In order to implement this policy effectively, we will need to make sure we are taking all reasonable steps to assure that LEU is used in our domestic programs. Failure to do so would send a powerful, negative signal to governments in Western Europe, Canada, Australia, and Japan which have been cooperating with us in the effort to reduce the use of HEU worldwide. The message would not be lost on the Russian Government, which could be expected to ignore any U.S. pleas not to step in and start selling HEU for research reactors and medical isotopes to customers around the world.

In particular, I would like to ask you to consider four major steps: (1) conversion of DOE's existing research reactors to low enriched fuels; (for older reactors, an announcement of a schedule for closings would seem appropriate); (2) postponement of the proposed plan to have Los Alamos begin production of molybdenum 99 from HEU targets for medical isotopes; (3) cooperation with us to devise ways to encourage foreign producers of molybdenum 99 to use LEU fuel in order that we can all compete on a level playing field; and (4) reconsideration of a program to develop high density LEU fuels for use in DOE reactors, three West European reactors, and Soviet designed research reactors.

The Reduced Enrichment for Research and Test Reactor (RERTR) program, which DOE established at Argonne to develop low enriched uranium fuels for use in research and test reactors and to provide conversion assistance to U.S. and foreign reactor operators has been very successful. Only three research reactors abroad have been unwilling to convert their reactors to low enriched fuels.

The original intention had been that DOE convert its research reactors. However, for a variety of reasons this did not occur. The fact that DOE did not plan to convert its own reactors was used by the three European reactor operators as justification for their refusal to undertake conversion.

Another factor argues for a re-examination of a research and development program for high density LEU fuel. In Russia, several other CIS republics, Eastern Europe, North Korea and elsewhere, there are numerous Soviet-designed reactors operating on HEU which cannot use low density LEU fuel developed under the RKRTR program in the 1980's. We understand that much of the developmental work for high density fuels would be directly applicable to new LEU fuels for Soviet reactors. Given the importance of converting Soviet reactors to LEU fuels and of gaining Russian cooperation on reducing of eliminating HEU in civil programs, the cost of developing high density LEU fuels may now be worthwhile.

The issue of the use of HEU targets for molybdenum 99 (MO–99) production for medical isotopes has come up recently in discussions with the South African Government on disposition of the SAG's stockpile of HEU from dismantled nuclear weapons.

After initially announcing their interest in selling to the U.S. or another nuclear weapons state their HEU, the South Africans recently told us that they wanted to keep their HEU for fuel for the SAFARI research reactor. Argonne National Laboratory (ANL) experts familiar with SAFARI are confident that the reactor can be converted to use LEU fuel. However, the South African AEC argues that one of the main uses for SAFARI is and will continue to be nuclear medicine, and that HEU targets are required to produce MO–99.

DOE and Argonne National Laboratory (ANL) have been working to reestablish ANL's program for development of LEU targets for the production of medical isotopes, particularly (MO–99), to meet a key 1992 Energy Policy Act criterion for approval of HEU exports for target use. To assist in this effort, Argonne has increased its contacts with AECL Chalk River Laboratory in Canada which has an active LEU target development program. Isotope production is a highly competitive industry operating on tight margins. Use of LEU targets will increase costs and complexity of isotope production because more nuclear material is needed and irradiated LEU produces more high level waste including plutonium. LEU targets are technically feasible but must also be commercially feasible. Our objective should be to obtain agreement among all producers of MO–99 to use LEU rather than HEU. In this way all would be competing on a level playing field. We recognize, of course, that the LEU target must be licensable by national nuclear regulatory authorities and the MO–99 product must be certified by the Food and Drug Administration or its equivalent in other countries as medically safe.

Chalk River-Nordion of Canada and IRE Flauris of Belgium are the major world suppliers of MO–99. At present, there is no U.S. producer of MO–99. DOE has been working to develop a MO–99 production capability by 1994 at Los Alamos National Laboratory using HEU targets and the Omega research reactor. While development of a U.S. production capability will reduce U.S. industry concerns about possible interruptions of foreign supply, clearly, Canada, Belgium and South Africa will not use LEU targets if Los Alamos uses HEU. Furthermore, the existence of two foreign producers of MO–99 and the prospective emergence of at least one other foreign supplier should assuage any possible concerns about supply availability.

I would appreciate hearing from you on these matters in the near future.

Sincerely,

ROBERT L. GALLUCCI,
Assistant Secretary of State for Politico-Military Affairs.

Mr. FRANKS of Connecticut. Mr. Chairman, the Energy and water bill before us this year helps to continue the relationship between the Federal Government and private enterprises. It contains over $1.7 billion in funding for energy research. Companies in Connecticut have played an important role in the development of new fuel cell technology and other energy projects designed to be more environmentally sound. The bill will keep the United States and a world leader in research and development of useful technology. I will support this bill.

This bill differs from last year's bill in that we are no longer able to debate funding for the superconducting super collider. Last year the house voted to eliminate the super collider, and I voted against the final version of the bill as a result. I hope that in the future Congress will reconsider the ill-advised decision to end this project. The super collider would have provided vital research for atomic medicine and superconductivity. While I have consistently supported prudent cuts in the programs, of the Department of Energy, I felt that the super collider would have provided valuable research to give our country a technological edge.

Today we will vote on one amendment offered to cut spending in this bill. I will support the Byrne amendment to eliminate the bill's proposed $12 million appropriation for the Gas Turbine-Modular Helium Reactor Program. This Helium Reactor Program was developed in the early 1970's with the theory that it would be a cost-competitive way to generate electricity. This has not proven to be the case. But Congress can never admit that its old decisions were wrong, and here the program is again for our approval. Taxpayers do not want to pay for programs that will not be useful for the future. This amendment had clear bipartisan support, and I will vote for it.

Mr. MYERS of Indiana. Mr. Chairman, I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in section 2 of House Resolution 449 may amend portions of the bill not yet read for amendment and is not subject to a demand for division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 4506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $179,062,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Los Angeles County Water Conservation and Supply, California, $700,000;

Norco Bluffs, California, $400,000;

Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

Ohio River Greenway, Indiana, $900,000;

Lake George, Hobart, Indiana, $260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $150,000;

Kentucky Lock and Dam, Kentucky, $2,000,000;

Hazard, Kentucky, $500,000;

Mussers Dam, Pennsylvania, $200,000;

Hartsville, Trousdale County, Tennessee, $95,000;

West Virginia Comprehensive, West Virginia, $350,000; and

West Virginia Port Development, West Virginia, $800,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,023,595,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,000,000;

Red River Below Denison Dam Levee and Bank Stabilization, Arkansas and Louisiana, $1,500,000;

West Sacramento, California, $500,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

Sacramento River Flood Control Project (Deficiency Correction), California, $3,700,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Central and Southern Florida, Florida, $11,315,000;

Kissimmee River, Florida, $9,000,000;

Casino Beach, Illinois, $1,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $4,000,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $20,000,000;

Middlesborough (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,200,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,000,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $800,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $12,500,000;

Ste. Genevieve, Missouri, $3,000,000;

Hackensack Meadowlands Area, New Jersey, $2,500,000;

Ramapo River at Oakland, New Jersey, $600,000;

Salem River, New Jersey, $1,000,000;

Carolina Beach and Vicinity, North Carolina, $2,800,000;

Fort Fisher and Vicinity, North Carolina, $900,000;

Broad Top Region, Pennsylvania, $1,000,000;

Lackawanna River, Olyphant, Pennsylvania, $1,100,000;

Lackawanna River, Scranton, Pennsylvania, $1,000,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $7,000,000;

Wallisville, Lake, Texas, $1,000,000;

Richmond Filtration Plant, Virginia, $2,000,000; and

Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $1,500,000:

Provided, That of the offsetting collections credited to this account, $71,000 are permanently canceled.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $334,138,000, to remain available until expended, of which $3,000,000 is provided for the Eastern Arkansas Region, Arkansas, project.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,646,535,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which $37,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), and of which funds are provided for the following projects in the amounts specified:

Tucson Diversion Channel, Arizona, $2,500,000;

Jeffersonville-Clarksville, Indiana, $750,000;

McAlpine Lock and Dam (Ohio River Locks and Dams), Kentucky, $1,000,000; and

Raystown Lake, Pennsylvania, $5,330,000:

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That of the offsetting collections credited to this account, $1,000 are permanently canceled.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $14,979,000, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $5,000 are permanently canceled.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $625,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, $152,500,000: *Provided*, That not to exceed $56,480,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the Division Offices.

PERMANENT APPROPRIATIONS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $4,000.

RIVERS AND HARBORS CONTRIBUTED FUNDS

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), $38,972,000, to remain available until expended, of which $22,839,000 shall be to carry out the activities authorized under title II of the Act and for feasibility studies of alternatives to the Uintah and Upalco Units, and of which $16,133,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $11,133,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,191,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $14,190,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $432,727,000 of which $23,272,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $153,793,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as

may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $286,521,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601–6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98–381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $9,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $23,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $37,232,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

WORKING CAPITAL FUND

Of the offsetting collections credited to this account, $863,000 are permanently canceled due to reduced GSA rental charges and $1,848,000 are permanently canceled due to efficiencies in the procurement process.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 11, line 25, strike "$432,727,000" and insert in lieu thereof, $402,727,000".

Mr. MILLER of California. Mr. Chairman, my amendment deletes $30 million in funding from the Bureau of Reclamation's construction account for the Garrison Diversion Unit, ND.

As many of my colleagues will recall, this large water project was completely redesigned and reformulated by Congress in 1986. Many expensive and environmentally destruction features of the project were eliminated. Much of the original irrigation was deauthorized. In place or the irrigation, the reformulated project would supply thousands of North Dakota residents with high quality drinking water from the Missouri River. Wetlands would be restored.

Since the 1986 reformation, Congress has appropriated well over $100 million to construct the newly reformulated Garrison project. I have supported each and every one of those funding requests.

Unfortunately, however, local sponsors of the project, the Garrison Diversion Conservancy District, have repeatedly attempted to rewrite history and the law by repudiating the 1986 Garrison Reformation Act. Their obvious intent is to resurrect the old Garrison project, complete with outdated, expensive, and wasteful irrigation.

Late last year, North Dakota leaders and the Garrison Diversion Conservancy District asked Reclamation Commissioner Beard to initiate yet another new process to determine North Dakota's contemporary water development needs. The Commissioner, with the concurrence of all North Dakota political leaders, insisted that all North Dakotans internally reach consensus on any proposed changes to the 1986 act. When the Governor's proposal was issued just a few weeks ago, it was promptly rejected by the North Dakota congressional delegation.

□ 1330

Eight years after we passed the Reformulation Act, the delegation has advised the United States that "Our State is owed this project," and that "North Dakota will not have to reimburse the Federal Government for major features of this project."

Mr. Chairman, if the State of North Dakota and its congressional delegation are not interested in constructing a major water resource project for the benefit of their citizens, I see no reason why Congress and the taxpayers should

be expected to force the project upon them.

Mr. Chairman, I intend to convene a hearing of the Committee on Natural Resources to receive testimony on legislative proposals to further reform and perhaps even deauthorize the Garrison project.

Mr. Chairman, I would say that I have been given a letter that has been written to Michael Whittington, the area manager of the Bureau of Reclamation, by the delegation, which has a statement by the congressional delegation that they plan to go back to start a new collaborative effort to produce concurrence among all of the interests in North Dakota and to produce consensus legislation that they will introduce in Congress to modify the Garrison Reformulation Act. That is clearly their right to do so. I would welcome and would participate with them, if necessary, with the Committee on Natural Resources.

Mr. Chairman, I must say, however, in that same letter dated May 12 to Mr. Whittington, that I am deeply disturbed by the suggestion that somehow this project is owed to North Dakota and that they should not have to pay for what they should receive as compensation.

This project, when it was passed in 1986 as a reformulated project, was very narrowly passed by the Congress by a handful of votes. Those handful of votes were secured by the effort of myself and many others to represent to the Members of the Congress that there would be consensus, that there would be a fundamental reformulation, and there would be repayment of this project. That is what we did in 1986 after long negotiations on both the House and Senate side.

To now suggest that somehow unilaterally one party or the other within North Dakota is going to change the purposes and the intent of this act is simply unacceptable. I hope that perhaps this letter is more reflective of the desire to enter into a true consensus, rather than simply a one-sided discussion within the State about changes that some may seek or think are advisable in this act.

Mr. Chairman, I include for the RECORD the letter to Mr. Whittington with regard to the Garrison diversion reform proposal:

U.S. SENATE,
Washington, DC, May 12, 1994.

Mr. MICHAEL WHITTINGTON,
Bureau of Reclamation,
Bismark, ND.

DEAR MR. WHITTINGTON: We are writing to tell you that we do not support the Garrison Diversion reform proposal, called the "Strawman proposal," announced recently by Governor Edward Schafer.

The proposal is seriously flawed in several respects. Moreover, the drafting and release of this proposal was not a part of the collaborative process that we had agreed to with Bureau of Reclamation Commissioner Dan Beard. Let us briefly explain our concerns.

First, the governor's proposal has been advanced as unilaterally accepting the imposition of new water taxes on residents in eastern North Dakota cities supplied by Garrison Diversion. According to the governor's office, the plan anticipates that these residents would see their water bills hiked by $2.00 to $12.00 more a month.

We feel strongly that North Dakota's interests are not served by surrendering on the subject of which costs of a revised Garrison Diversion Project are nonreimbursable. Our state is owed this project as compensation for economic losses incurred by hosting a one-half million acre, permanent flood behind the Garrison Dam. North Dakotans should not have to pay for what they should receive as compensation.

Consequently, we intend to insist that, to the extent possible, North Dakota will not have to reimburse the federal government for major features of this project.

Second, while the governor's proposal borrows some good ideas developed in the collaborative process, it nonetheless proposes to spend tens of millions of dollars more than is necessary on some components of the project.

Third, specific costs and priorities on major component parts of the system were advanced by the governor's proposal outside of the collaborative process, and put forth without consultation with the other parties. In contrast, the many decisions that need to be made in reformulating this Garrison project must be done in a thoughtful and deliberative way, and include the input of all of the various North Dakota interests.

We need to agree on proposed changes to the current authorized Garrison Diversion Project in North Dakota. There's no question about that. But the governor's plan is not well constructed. It uses cost estimates that are, in some cases, far too high. It acquiesces to tax increases for some North Dakotans that we are not willing to support.

Instead, we intend to make a fresh start to collaborate in a way that produces concurrence among all of the interests in North Dakota. We intend to produce consensus legislation that we will introduce in Congress to modify the Garrison Diversion Reformation Act. In doing so, we will continue to consult with the governor, the State Legislature, the Garrison Diversion Conservancy District, Indian tribes, environmental groups and many other interests in North Dakota. Thank you.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.
KENT CONRAD,
U.S. Senator.
EARL POMEROY,
Member of Congress.

In that spirit, Mr. Chairman, I will ask unanimous consent to withdraw the amendment that I have offered, but I want to serve notice that we will not continue to send funding to this project if people think they are going to use, or somehow believe they are going to use, this money at cross-purposes to the intent of the 1986 act to reformulate this project.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any other amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $3,302,170,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEVILL: Page 21, line 24, strike "$3,164,369,000" and insert "$3,201,369,000".

Page 23, line 10, strike "$1,879,204,000" and insert "$1,842,204,000".

Mr. BEVILL. Mr. Chairman, the President on June 8th submitted an amendment to the fiscal year 1995 budget request for the Department of Energy. There are copies of his request and a table reflecting that the request and our recommendation available on both sides for the Members' review.

The President requested additional funds for recently identified requirements within the nuclear weapons complex and proposed to offset the funding requirement by using funds previously appropriated for various Department of Energy activities.

The committee had reported H.R. 4506 before the President's request was received, but we felt it was important to consider this request when the bill was brought before the House.

Working with the Committee on Armed Services, we have reviewed this budget amendment and identified those portions which are critical to meet the near-term national security requirements of the U.S. Department of Energy.

Mr. Chairman, my amendment would increase the weapons activities appropriation by $37 million, and decrease the materials support and other defense programs appropriation by $37 million. This will not affect the total budget authority or outlays in the bill.

Mr. Chairman, I submit a table for the record showing the specific funding adjustments. I ask for the Members' support for this amendment.

The table referred to is as follows:

AMENDMENT SUMMARY

Program	Request	Recommendation
WEAPONS ACTIVITIES		
Weapons stockpile support:		
Additional stockpile support activities at the Kansas City Plant, Missouri	$31,000,000	$31,000,000

AMENDMENT SUMMARY—Continued

Program	Request	Recommendation
Assure safety and environmental compliance during shutdown of the Mound Plant, Ohio ($28,000,000 total with $13,000,000 reallocated from within the program)	15,000,000	15,000,000
Additional stockpile activities at the Y–12 Plant, Tennessee	30,000,000	30,000,000
Assure safety and environmental compliance during shutdown of the Pinellas Plant, Florida	12,000,000	12,000,000
Capital equipment to implement nonnuclear reconfiguration at Sandia National Laboratory, NM	3,000,000	3,000,000
Replace Aviation Facility, Albuquerque, NM	2,000,000	0
Total, stockpile support	93,000,000	91,000,000
Use of prior year balances	(54,000,000)	(54,000,000)
Total, weapons activities	39,000,000	37,000,000
MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS		
Fissile materials control and disposition:		
National Resource Center for Plutonium, Amarillo, TX	9,000,000	9,000,000
Materials support:		
Disassembly Basin Upgrades, Savannah River, SC	13,000,000	0
Capital equipment	(13,000,000)	0
Use of prior year balances	(48,000,000	(46,000,000)
Total, materials support and other defense programs	(39,000,000)	(37,000,000)

Mr. MYERS of Indiana. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 5 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield to the gentleman from Florida [Mr. YOUNG], a member of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me, and for introducing this amendment, and to restate that it is not an increase of dollars, but it just provides for a far better management of our diminishing nuclear capabilities.

Mr. Chairman, I rise in support of Chairman BEVILL's amendment and to thank him and the members of the committee for following through so quickly to incorporate the Secretary of Energy's budget amendment into this legislation.

This budget neutral amendment adds $93 million to the Department of Energy's weapons activities account to provide urgently needed additional resources for our Nation's nuclear weapons support complex.

Mr. Chairman, the administration's original budget request called for a sharp 15 percent reduction in the Department's weapons activities programs. As I have discussed with the Secretary and her staff, if enacted, this $270 million reduction in these activities will have a severe impact on our national security. Despite what some would have you believe, our nuclear weapons program is still a vital part of our national security strategy and we must continue to produce, modernize, and service these weapons.

During the hearings of our Appropriations Subcommittee on National Defense, the Department of Defense's witnesses who are the Department of Energy's customers for these weapons shared my concerns about the impact this sharp reduction in funding for weapons activities would have on our readiness and our ability to ensure the reliability and accuracy of our nuclear weapons and our stockpile.

One of the principal facilities in the Department of Energy's nuclear weapons complex is located in Pinellas County, FL, which I represent. The employees at this facility have devoted the past 40 years to protecting our national security through their work to produce state of the art components for our nuclear weapons. This amendment will increase by one-third, or $12 million, the funds available for the employees at the Pinellas plant to carry out their important mission.

These funds also will be used to begin the process of securing this facility whose mission will soon change from one dedicated to providing for our national defense to one dedicated to strengthening our Nation's industrial and technological base. Although, as this budget amendment reflects, there is still an ongoing need to maintain and service our nuclear weapons stockpile, there is a declining need for the production of new weapons. Therefore, the Department of Energy has undertaken a plan to consolidate the operation of its nuclear weapons complex, thereby eliminating the need for three of its facilities including Pinellas.

To the Secretary of Energy's credit, however, from her early days in office she has agreed with my long stated belief that these facilities still have an important mission. That is to convert the wide array of state-of-the-art technology we have developed for the production of nuclear weapons to commercial uses for a variety of products that will find their way into the marketplace.

Already efforts are underway to begin this process at the Pinellas plant and the funds included in this bill and this amendment will begin cleaning up and securing the plant in preparation for its new commercial mission. These funds will also enable the plant to complete its defense mission to ensure that enough components and spare parts are produced to support our nuclear weapons stockpile during the transition process.

Mr. Chairman, in closing, I again want to thank the Secretary of Energy for her recognition of a major shortfall in her 1995 budget request and for sending this budget amendment forward in time to be incorporated into this legislation. Also, I want to thank Chairman BEVILL and my colleague from Indiana, Mr. MYERS, for responding so quickly to this request and accepting this amendment today.

This amendment addresses an important national security problem and sets in motion the process for converting the skills and technologies our Nation has developed in the employees and facilities of our nuclear weapons complex and begins the process of successfully converting these skills and technologies to the commercial marketplace.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], does the usual good job in explaining the necessity for this amendment. The Republicans offer no objection.

The CHAIRMAN. Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Alabama [Mr. BEVILL].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE: Page 17, line 19, strike "$3,302,170,000" and insert "$3,290,170,000".

Mrs. BYRNE. Mr. Chairman, I rise today to offer an amendment to terminate another wasteful program funded by the Federal Government, the so-called high-temperature gas reactor, now known as the gas-turbine modular helium reactor or GT–MHR. This program is an example of pork barrel spending at its best and what has become corporate welfare.

It was tried once in the commercial marketplace two decades ago and failed. Now, they're coming back for more. And, they're asking the taxpayer to pick up the check.

President Clinton scheduled this program for termination. The Department of Energy did not request a dime for it in their budget request to Congress.

Last session, the other body decisively terminated this program. It is now our turn to deliver on promises that we have made to our constituents to end business-as-usual.

Two years ago, the National Academy of Sciences conducted a review of the reactor program. This study was done at the request of Congress in order to reevaluate the goals and priorities in nuclear energy.

I know of few individuals that are better qualified to evaluate the GT–MHR than the panelists at the National Academy of Sciences. One is hard pressed to find an occasion when the Academy rejects funding for their own science projects.

And yet, after reviewing the facts, they concluded that "no funds should be allocated for development of HTGR technology." Even though we in Congress asked the Academy to make their recommendation, some members now want to throw their suggestions our the window.

The Department of Energy hasn't been taken-in by the claims of the industry either. I would read from a letter I received from Energy Secretary Hazel O'Leary dated June 13 stating that "given the current budgetary constraints, this reactor's low market potential and its estimated high development costs, we support your amendment to terminate the program." I believe we should heed their expert advice.

The GT–MHR has become a self-perpetuating program. Since 1978, the Federal Government has wasted over $900

million. Now the GAO, in a report issued last year, maintains that it will cost $5.3 billion to complete R&D and to build a prototype which might not be ready until sometime after 2010. Even the industry acknowledges that it will cost between $2 and $2.5 billion. That is not a small fraction as some claim.

Supporters say, "it's too soon to tell" and that they need more time, while others argue that "it's too late to stop." The industry claims they are making progress. They are not making progress. The same vendor that is out there today lobbying for this technology is the one that was pushing for this in the 1970's, when it did not work. It's deja vu all over again.

No utility wants to order one of these reactors until the prototype is built. Industry representatives claim that the technology will become a commercial candidate only after several years of performance as a demonstration project. In other words, let the Federal Government spend over $2.5 billion on finishing R&D and building a prototype before we see if any industry will place an order.

In 20 years, the gas-cooled reactor has evolved from a commercial venture ready to go on line into a research program that might produce an economically competitive plant sometime in the 21st century. Even then, they might not find any buyers for it. I suggest that, with a $4.5 trillion national debt, we look before we leap.

As long as Congress is will to put up the money for the GT-MHR, the special interests will fight change. They don't care that the experts at the Department of Energy and the National Academy of Sciences reject the GT-MHR. They don't care about the Federal deficit and how we can not afford a program that will cost over $2.5 billion and that has already failed in the commercial marketplace. They continue to lobby for money. It is our duty to say enough is enough.

Let us come down on the side of the energy experts and the taxpayers by making the fiscally responsible choice of ending this self-perpetuating program that has not lived up to its promises.

□ 1340

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand the desire that many have to find places to cut in the appropriations process. We all understand the appropriateness of that on occasion and certainly the political benefit that is derived on each case, win or lose. But our committee has made some tough choices and we believe that we frankly should be supported by our colleagues here on the floor when they understand the degree to which we have rigorously reviewed the fission research that remains in the Department of Energy's budget, and frankly there is very little left because of the very practical fact that the public sector, the utility industry's ability to absorb much of this research and produce new energy for the future is much more limited than it was in the 1950's and 1960's and on into the 1970's when this particular program was initiated. But we believe the GT-MHR, the gas reactor, deserves support, in part because, and Members will hear from Chairman BROWN in a few minutes, it has long been supported by the Committee on Science, Space, and Technology, certainly a guidepost for our subcommittee.

Mr. Chairman, the gas reactor was authorized as part of the landmark Energy Policy Act as recently as 1992. Developed in accordance with criteria established by the Committee on Science, Space, and Technology, the gas reactor meets the stringent criteria set forth by the committee to make nuclear power acceptable in the United States. The gas reactor is, therefore, safe, small, modular, and economical.

The gas reactor features a passive safety design that precludes severe core damage without relying on operator action. Put another way, human error cannot lead to a meltdown of the gas reactor. It is passively safe and meltdown-proof. Certainly the public's concern since Chernobyl in this area requires us to move forward only in cases where we can make this argument.

Much of the criticism of the gas reactor is based on earlier work done on this evolving research and development program. As such, much of the criticism is simply outdated. As the program has evolved, the gas reactor has been improved over time.

Mr. Chairman, let me cite exactly where we can see this improvement:

The gas reactor we are dealing with here today produces 70 percent more power than the earlier system discussed by the gentlewoman from Virginia [Mrs. BYRNE] for the same size reactor.

The current design is 25 percent more efficient than the earlier system.

The unit cost is 30 percent lower, and the cost of electric power is some 35 percent lower than the earlier system which proved not to be the solution.

So, Members can see, much of the criticism of the gas reactor is really no longer relevant to what we are bringing to the floor today.

Mr. Chairman, the gas reactor offers power efficiencies that are higher than other similar technologies. The gas reactor has an efficiency rating of 48 percent which is almost 50 percent more efficient than conventional reactor systems that are currently in use.

In addition, the gas reactor's modular design permits incremental additions to generating capacity. This gives the gas reactor users the ability to add small amounts of power as needed to adjust to changing market conditions, something that the traditional nuclear powerplant could not accommodate. We are talking here about incremental additions of power, not a huge base power costly plant that requires almost more demand and consumption if it can be economical to build in the first place.

Mr. Chairman, the gas reactor also has the potential to become a major export technology, especially for developing countries with high growth demands for electricity. Those of us who are concerned about global warming in the Third World need to understand the relevance of that. The gas reactor has the potential to reduce energy costs, reduce environmental degradation, and create jobs both here and abroad.

Mr. Chairman, the Byrne amendment regrettably threatens to set us back in a time when we are moving forward toward being a world leader in advanced, passively safe, environmentally sound reactor design.

For those reasons, I ask my colleagues to keep this important R&D program alive. Do not throw away the investment that we have made. Let us finish the job for once. This committee has far too often been required to kill programs that really, I think, end up being a greater waste in the sense that we do not follow through on the public investment, in this case of over a decade. Respect the tough choices made by this committee. Vote "no" on the Byrne amendment. Provide a very limited amount of money, $12 million is a very small sum, even in this bill, which is much tighter than it has been in prior years. Let us continue to get a return on our investment and let us continue to look at fission as part of our energy future but in a way that is far safer to our citizens and far more acceptable to the utility industry.

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, for those of us who have been around this body for some time, when we hear the rare news that an appropriations bill is on schedule and on budget we know it can mean only one thing—Chairman BEVILL's energy and water appropriations legislation. And this year is no different. In his customary fashion, with little fanfare, Chairman BEVILL and his ranker, JOHN MYERS, have managed to absorb a massive hit to their levels yet still keep the train on the tracks.

I want to note the committee's continued support of a project of great benefit to my district, the Richmond water filtration plant flood control project. Over the past 20 years, the Richmond area has suffered from 100-year floods on three separate occasions. These floods have threatened the

water filtration plant and the water supply for over 800,000 people. The worst incident knocked the plant out for nearly 4 days leaving our citizens without a healthy water supply, damaging our firefighting abilities, and closing many industries. The completion of the flood protection project will guard against this dangerous situation occurring. The committee's support of this local/Federal partnership is greatly appreciated.

Again, Mr. Chairman, a tip of my hat to Chairman BEVILL and his colleagues for their fine efforts. I urge my colleagues to support this bill.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] and the gentleman from Wisconsin [Mr. KLUG] to strike the $12 million which would fund the gas turbine modular helium reactor.

Mr. Chairman, in a time when our Nation is facing a $4.5 trillion debt, we cannot continue to spend tax dollars on costly, unproven research and development projects.

The Sierra Club, the Friends of the Earth, Citizens Against Government Waste, Public Citizen, and the National Taxpayers Union all agree that the GT–MHR should be terminated. In addition, the Department of Energy and President Clinton have also requested termination of this project.

Nothing has changed since last year when the Senate killed this program. The National Academy of Science says that the core technology is essentially the same. The Byrne amendment is an important step toward eradicating wasteful government spending. Passing this amendment is the right thing to do. As Mark Twain said, "Always do right. This will gratify some people, and astonish the rest."

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I would like to address the full bill and express my sincere gratitude and admiration for the chairman, the gentleman from Alabama [Mr. BEVILL] and ranking member, the gentleman from Indiana [Mr. MYERS], on the remarkable work that they have done in crafting this piece of legislation. I particularly am grateful the gentlemen have addressed several issues in my district that were extremely important and have been incorporated into the bill. Obviously the Santa Ana mainstem river project, the largest flood control project west of the Mississippi involving literally thousands of businesses and hundreds of thousands of homes, is crucial and I appreciate the funding level they have included, and there are several other projects, the sand bypass project in Oceanside in which the gentlemen have been historically helpful to me, as well as beach erosion and a variety of other issues.

Mr. Chairman, now to the specific amendment before us, the Byrne amendment, I would like to speak to.

Mr. Chairman, we have worked for a long time to try to develop a strong research base in this country and as we downsize the military budget, and as we downsize the aerospace budget, for heaven's sake, let us not downsize the research, scientific, and technological work that is being done in this country. That would be the most shortsighted thing we can do. I strongly oppose this amendment.

□ 1350

It would literally abandon the gas turbine modular reactor program, and that is truly an ill-conceived concept. It is totally inconsistent with our long-term energy policy established by the Energy Policy Act of 1992, and I believe that this program has tremendous promise.

It is designed to be a passive, safe reactor. This means that it cannot meltdown because of temperature of the reactor as it gets higher, and the nuclear reaction shuts off automatically, a great protective process. That would allow the country to produce safe, environmentally sound, efficient energy which would insure our long-term energy independence.

In fact, this program has already produced design developments which have yielded 50 percent more efficiency over other reactors.

Furthermore, with the end of the cold war, our ability to dismantle and dispose of nuclear materials is critical to our future security.

This gas-turbine technology offers an attractive option for destroying nuclear weapons material, which is a crucial problem for us now. General Atomics, located in southern California, has been among the leaders in developing this reactor. Many of the employees and researchers are in my district, and the elimination of this important program would mean not only the termination of vital research but it would also lose many jobs in an already economically depressed area.

First of all, I would like to extend my congratulations and my gratitude to the chairman of the Energy and Water Subcommittee, TOM BEVILL, for working in the spirit of bipartisanship and forging a fine piece of legislation.

I would also like to thank our ranking member, JOHN MYERS, for his work on this bill on behalf of the citizens of California and the citizens of the Nation.

This bill funds vital water projects in my district in southern California, and throughout California.

Included in the bill is $66 million for the Santa Ana River flood control project. This appropriation represents the continuation of a project which is vital insurance against catastrophic loss of life and property should a major flood hit the region.

I am also pleased that the committee chose to fund the successful oceanside sand bypass at $1.5 million. These funds, which were not included in President Clinton's fiscal year 1995 budget request, will be used to pump sand from the floor of Oceanside Harbor onto beaches to mitigate beach erosion, and save the taxpayers money.

Finally, the bill contains $600,000 to fund a beach erosion study in San Diego County.

I truly appreciate the chairman and ranking member's attention to the needs of my constituents and look forward to working with them on future bills.

Finally, I would like to urge my colleagues to defeat the Swett and Byrne amendments. They represent an abrogation of our long-term energy strategy established by the Energy Policy Act of 1992.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding.

I want to join with him in supporting the GT–MHR, and agree it is the major advance in nuclear power generation. It combines enabling state-of-the-art technology in aircraft and industrial gas turbines, high efficiency, compact recuperators, and magnetic bearings with unique high-temperature capability of a modular helium reactor. It provides the highest thermal efficiency you can possibly find.

It is the most environmentally compatible. It also gives us the economics.

For all of those reasons and all the reasons my colleague, the gentleman from San Diego, has laid out, this would be absolutely a mistake by the House to kill this very important project.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for his comments.

There are few people in this body who are more conservative on fiscal issues than the gentleman from California [Mr. HUNTER], who has just spoken, and myself. Our voting record has constantly been looking for ways to make Government more efficient and to decrease the deficits that we struggle with in this body.

But this is the wrong place and the wrong process in order to try to balance the budget. For heaven's sakes, let us not downsize our preeminence in research and development in this country, and this would be a giant step in that direction.

Mr. DERRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by Mrs. BYRNE. The gas turbine, gas cooled reactor takes the next step in advanced reactor development that this Nation sorely needs. Advanced reactors, which were encouraged to be developed in the Energy Policy Act, offer significant technological and safety advancements over the current generation of reactors.

A shortsighted attempt at eliminating this funding will not only eliminate a potential future power reactor but would also limit potential defense applications.

The gas turbine reactor is currently under study by the Department of Energy as a possible option to dispose of excess plutonium. As a multipurpose reactor, the gas turbine reactor could burn plutonium, produce tritium, and produce power which could be sold to offset costs.

I urge my colleagues to vote no for the Byrne amendment.

Ms. SCHENK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would also like to express my appreciation to the chairman of the committee, the gentleman from Alabama [Mr. BEVILL], and his outstanding staff for their cooperation and their support.

Mr. Chairman, I rise in opposition to this amendment for two reasons. First, should the Byrne amendment pass and we terminate the gas turbine-modular helium reactor, we would once again relinquish our Nation's lead in an emerging technology to our foreign competitors. Second, the GT-MHR provides us with a unique capability for the elimination of weapons grade nuclear materials.

Over the past couple of decades, we have all watched while technologies developed with American expertise and resources have come to commercial fruition in other countries. In the coming years, the production of electricity by fission reactors will continue to be a technology adopted around the world, especially in less developed countries. The GT-MHR can provide a safe and efficient technology for the generation of electricity. Rather than the individual, makeshift designs required of light water reactors, the modular reactor design allows for standardized manufacturing methods. This means significant increased safety in addition to the inherent safety of the technology itself.

We have a choice. The United States can produce safe, efficient, modular reactors and ship them around the world, or we can give up on this technology and allow our international competitors to again perfect and profit from our technological innovation.

The second reason we should continue support for the GT-MHR—and this reason should give pause to the most ardent antinuclear activist—is that the GT-MHR provides the capability of eliminating weapons grade plutonium.

Studies performed for the Department of Energy indicate that the GT-MHR can be the most effective reactor design for the destruction of weapons grade plutonium. A GT-MHR in combination with an accelerator can consume over 80 percent of its plutonium fuel and as much as 99 percent of the plutonium 239 isotope required for weapons grade material.

The Russians have proposed a cooperative development program with the United States for the GT-MHR. They have expressed a particular interest in using the technology for the consumption of their surplus plutonium. Given our concern over the fate of the Russian nuclear stockpile, it would be foolish to terminate the gas-cooled reactor program.

Mr. Chairman, the Byrne amendment proposes to strike the very program upon which this plutonium consumption system is built.

Nuclear proliferation is a greater threat today than ever before, and as we stand down from the cold war, our ability to dismantle and dispose of nuclear materials will be critical to our future security. I urge my colleagues to oppose the Byrne amendment.

Mr. Chairman, as you heard from my colleagues from San Diego, the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. PACKARD], this is a nonpartisan, bipartisan issue, and I strongly urge its defeat.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. SCHENK. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank my colleague from San Diego for making such an articulate case for this program and to thank her for all the great work that she has done on behalf of the program. She has really been our leader.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Byrne-Klug amendment.

Rarely do we see such broad support for an amendment.

Friends of the Earth, the League of Conservation Voters, the Sierra Club, and most of the major environmental organizations support this amendment.

The National Taxpayers Union wants it cut. Citizens Against Government Waste wants it cut.

The National Academy of Sciences says the helium reactor is unnecessary and not needed.

Even President Clinton and the U.S. Senate want to get rid of it.

Mr. Chairman, with a $4.4 trillion Federal debt, it is time to put our fiscal house in order.

It is time to help our children and grandchildren by stopping the hemorrhaging of red ink.

It it time to slaughter this bureaucratic hog and slice this pork out of the Government.

It is time to terminate the helium reactor program once and for all.

It is time to vote "yes" on the Byrne-Klug amendment and save $12 million in fiscal year 1995 and $2.5 billion overall by cutting this program.

□ 1400

The taxpayers of America deserve nothing less.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I do want to commend the gentleman from Alabama [Mr. BEVILL] chairman of the subcommittee, for his efforts in bringing this bill before us today. His bipartisan effort with the gentleman from Indiana [Mr. MEYERS] have fashioned a funding bill for programs that are key to our Nation's technological future.

I want also to thank the staff for the work they have done. I know this has been a hard year, there are many programs that you would like to have included. I do not think they have ever worked so hard to bring such a good bill before us. I do thank them.

Mr. Chairman, in a time when we know that technology is a driver of economic growth, it is imperative to make necessary investments in our scientific and technology base to ensure our Nation's prosperity. The programs included in this bill include the basic and applied research that will result in the technologies of the 21st century.

For example, research in materials, engineering, biosciences, the humane genome and environment will result in improved health care, new leading edge industries, as well as meet environmental commitments within a framework of sustainable development.

Developing such tools as the advanced neutron source will create the technology that will shape our everyday lives—from automobiles, construction materials, computer chips and high technology plastics.

The bill before us also provides increased funding for solar and renewable technologies. Several of these technologies supported by DOE are now emerging into more mainstream applications which will augment our traditional sources of energy supply.

Many of the technologies being developed have significant export potential. Funding a strong research and development program will expedite their introduction into world markets. Every day we see the impact of our international competition. We must not be left behind by other countries who know how to develop and establish preeminent science and technology capabilities.

This bill assures we will lead in energy technologies critical to our Nation.

Mr. Chairman, I rise in opposition to the Byrne amendment. The gas turbine modular helium reactor program was fully authorized in the Energy Policy Act of 1992. The program underwent severe scrutiny during those deliberations, and new program criteria was put in place as well as deadlines for decision making.

With the shutdown of the advanced liquid metal program, we must maintain a midterm reactor technology in order to preserve our nuclear option in the energy mix.

The Committee on Science, Space, and Technology, of which I am a member, has routinely reviewed this program and has consistently supported it. There is likely to be a 50-year gap in nuclear technology without this important program.

I urge my colleagues to oppose this amendment. Vote "no" on Byrne.

Mr. HOCHBRUECKNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to speak in opposition to the Byrne amendment. We all have to realize that there is a lot more at stake here today than just some several millions of dollars in an appropriations bill. If this project continues, clearly what it will do is to allow a future joint venture between a United States company and Russia for the use of the high-temperature gas reactor in disposing of plutonium.

Why is that important? A high-temperature gas reactor is probably the best way to dispose of plutonium through one pass through the system. Now, what is the problem? We have had very successful negotiations between our Nation and Russia to reduce nuclear weapons around the world. Certainly, when they reduce their nuclear weapons and we reduce ours by what we have already agreed on in the SALT talks, we are talking about both Russia and the United States having probably in the neighborhood of 50 tons of surplus plutonium.

Plutonium has a half-life of 21,000 years. While I am reasonably confident that we in the United States will be able to maintain our plutonium in terms of keeping track of it and assure that none of it falls into the wrong hands, I am not so confident that Russia will have the same success.

So the best thing we can do for the people on this Earth is to get rid of the plutonium.

There are only four ways to dispose of plutonium: You can blow it up, which we want to avoid at all costs; we do not need a nuclear war.

You can glassify and bury it, but it can easily be recovered.

You can transmute it, which is something we have been working on but we have not perfected, where you change plutonium so that it cannot be used for weapons.

Or you can burn it as fuel in a nuclear reactor. That is what we are talking about today, the future of that program continuing to exist. That is what is at stake today. We need to get rid of the plutonium.

Obviously, there is an advantage to the Russians if we keep this program intact because if the joint venture goes forward, as we hope it will, they will be able to burn plutonium. They can build such a plant that will produce about 1,200 megawatts a year for 40 years, consuming the 50 tons of plutonium, we are done with the problem and we do not have to worry about that plutonium for the next 21,000 years.

Also, it helps the Russians move away from the Chernobyl kind of power plants. We know how dangerous Chernobyl-type power plants can be. They are committed to fission power. We need to move them into a new direction to provide electricity, and a high temperature gas reactor is the way to do it.

Also, we are very concerned that other nations are hiring Russian scientists and using them to develop nuclear weapons. So we need to keep Russian scientist busy. This program in the joint venture form will do just that.

So the fact of the matter is that there are great benefits and advantages to keeping this program alive. As a member of the House Committee on Armed Services and one of the few engineers in this Congress, let me tell you this is the kind of program we should be doing. It makes sense to put research and development money into this kind of program. Look what we can do for the people of this world if we can eliminate that plutonium both in Russian and in this country in the years ahead.

So, my colleagues, this is a good program, this is a program that we clearly ought to keep. I do not understand the concern that the environmentalists have. But I think what they are looking at is the fact that in this country the first round of nuclear fission electricity power plants is over. There are presently 110 operating nuclear plants in this country; but the age of boiling water reactors is over. We have not had a new order for a fission nuclear reactor electricity-producing plant in 18 years.

Whether we do or don't have a second generation of nuclear fission power plants in this country is not the issue. The issue today is shall we continue to have the opportunity for this joint venture in Russia? Shall we dispose of this plutonium?

On this floor 8 years ago I fought very hard to stop the nuclear power plant at Shoreham—which we did stop; that plant did not open, and it is in my district.

I am proud that I helped stop that plant. But let me tell you something: I am not excited about another generation of nuclear fission in the United States, but please do not stop us from pursuing this important program which can help eliminate the plutonium on this Earth and protect our children. I say that to the environmental community. That is the long-range environmental program that they should be looking at and supporting.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield?

Mr. HOCHBRUECKNER. I yield to the gentlewoman from Virginia.

Mrs. BYRNE. I thank the gentleman for yielding.

Mr. Chairman, does the gentleman know there was a study done January 24 of this year where the National Academy of Sciences said that the gas-cooled reactors are not competitive for the mission of disposing of plutonium, because of the possible delay of their development, licensing, and construction?

Mr. HOCHBRUECKNER. There are many studies out there on which I disagree and would argue in engineering terms any day in the week. Please my colleagues, join me in opposing the Byrne amendment.

Mr. KLUG. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Byrne-Klug amendment to help kill the gas turbine modular helium reactor program. I have heard a lot of arguments to help save this program, but this is the first time I have ever heard foreign aid kind of sneak in the back door.

Let us approach this in a number of different ways; first of all, in terms of the commercial potential and application of this research and, secondly, in terms of the scientific evidence for the project's continuation.

In the early 1970's this technology was first launched, and there were five orders for commercial projects. Just a few years after that, four of the orders were canceled. In fact, only one of these plants was ever built, where it operated in Colorado for 16 years at 14-percent capacity and eventually closed down and closed down for good because it did not work.

By the time it did shut down, it actually had the worst operating record for any civilian nuclear plant in the entire United States.

Now, the Electrical Power Research Institute, located just outside of San Jose, CA, is the place in this country to take a look at technology and its application. EPRI, in its study which was just released last year, said that by the time this plant finally came on line by the year 2010, it would not be a cost-competitive option. So the nuclear industry orders five of these, only builds one of them, and closes it down, and EPRI says it has no application.

So let us look at what the utility industry has done. Since 1978 the utility industry has contributed about $25 million to this research and the taxpayers kicked in $450 million. That is an 18-to-1 research allocation, where we are spending most of the money, and if EPRI and the electric industry had any interest in it whatsoever, they would be talking with their wallets and not with their mouths.

□ 1410

So, Mr. Chairman, the utility industry is not very fond of it, so there are these arguments going on on both sides, and there are arguments for studies going on back and forth, and so what do we do?

Now I am not a rocket scientist either literally or figuratively, and I am not a nuclear scientist either. Nobody else in this room is. So we asked the National Academy of Sciences, Congress asked the National Academy of Sciences, to review this project, and they came back, as my colleagues heard our colleague from Virginia say a couple of minutes ago, and said, quote, "No funds should be allocated for the development of this technology." They looked at all the nuclear options in this country in terms of commercial viability and looked at all the options in this country in terms of disposing of plutonium, and they said, "It's a waste of money. Don't spend another buck on it."

Now why did they say that? One of the reasons they decided not to spend any money on it was because of legitimate environmental reasons. The passive cooling system employed in this technology does not have the traditional conventional containment structure, so there is a real danger of a release of contaminants, and the chairman of the advisory committee on reactor safety for the Nuclear Regulatory Commission said that there was a major problem with containment strategy used in this entire piece of research because it involved what he called a major safety tradeoff.

Now we have already spent, as my colleagues heard, nearly $450 million to look at this technology. The National Academy of Sciences says it has no application, and in the short run we will save with the amendment before us this afternoon $12 million, but, as my colleagues know, in the long run it will be a $2.5 billion savings to taxpayers because, first, we have got to fund the research. Then we have got to fund the prototype. And then we have to, finally, build the plan. Then, and only then, can we go back to the power industry which since the early 1970's has said no thanks. Only then can we go back one more time and see if anybody wants to buy these.

Now the Clinton administration, as my colleagues have heard, has already said they do not want the project. They have zeroed it out. The Department of Energy, which is charged with looking at energy research projects said they do not want it and are not interested in it whatsoever. And in fact, for all of my Republican colleagues listening to this debate, the Reagan administration tried to kill this same program some years ago. And for those of my colleagues who voted for the Penny-Kasich amendment, including my colleagues, the gentleman from California [Mr. HUNTER] who voted for the project's continuation of funding and the gentlewoman from California [Ms. SCHENK] who said it was a terrific idea to continue funding this project, the Penny-Kasich amendment, which we voted on this year, would have terminated funding. The National Academy of Sciences is opposed to it. The National Taxpayers Union is opposed to it. The Citizens Against Government Waste is opposed to it. Last year the Senate voted to kill it, and, as my colleagues know, we were silent on it. So, the Senate votes to kill it, and the House does not say anything, and funding gets restored in the committee.

Now I know the final argument we are going to have at the close of this debate says, "You can never kill a research project which has potential," and then, as my colleagues know, 2 years from now they will be saying, "Well, you can never kill a research project because we are too far along in the research. You can't kill it before we complete it."

The bottom line is the only time we face this afternoon is the time to finally kill this. It is not too soon, and it is not too late. It is simply too much money that we spent over a far too long timeframe.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before making a few brief remarks about the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] I would like to rise in support of the bill before us and commend the gentleman from Alabama [Mr. BEVILL] and the committee for their efforts.

Mr. Chairman, I am pleased with the substance of the bill as it pertains to those programs within the jurisdiction of the Committee on Science, Space, and Technology. With respect to the substance of the bill, the committee has produced a bill consistent with the administration's request for energy R&D and consistent with the Energy Policy Act of 1992. These R&D investments are critical to raising the Nation's productivity and standard of living. They are too often, as in the case of the amendment before us, singled out for reduction or elimination by zealous deficit cutters who overlook their longer term payoffs in order to achieve a short-term budget savings.

I would commend the gentleman from Alabama [Mr. BEVILL] this year, as I did last year, for his efforts to keep academic earmarking under control at levels well below those prevailing when I and others on the Committee on Science, Space, and Technology first began investigating this practice, and, although he has not achieved a hundred percent yet, he is doing very well, and I am going to attach a short list of earmarks which are included in the bill:

LIST OF ACADEMIC EARMARKS CONTAINED IN THE ENERGY AND WATER APPROPRIATIONS REPORT

$300,000 for Corps of Engineers work at Indiana University at South Bend, p. 18.

$300,000 for the Construction Technology Transfer Project between the Corps of Engineers and Indiana State University, p. 19.

$1,000,000 for cooperative research between the Corps and the University of Miami, Florida, p. 28.

$600,000 from Department of Energy (DOE) to support the Florida Solar Energy Center (work is carried out by the University of Central Florida and the University of Oregon), p. 71.

$1,000,000 from the DOE for electron beam sterilization research (work that is intended for the University of Miami, Florida), p. 72.

$3,200,000 from DOE for the Midwest Superconductivity Consortium (which includes Indiana University, Iowa State University, Ohio State University, Purdue University, University of Missouri, University of Notre Dame and the University of Nebraska), p. 75.

$5,900,000 from DOE for the Florida State University's Super Computations Research Institute, p. 76.

$4,000,000 from DOE for Lawrence Berkeley Laboratory, the Ana G. Mendez Educational Foundation, and Jackson State University to enhance computer science and scientific research at all three institutions, p. 76.

$4,000,000 from DOE for the University Research Program in Robotics (a consortia composed of University of Florida, University of Michigan, University of Tennessee at Knoxville and University of Texas at Austin), p. 77.

Now, Mr. Chairman, with regard to the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE], I rise in opposition to it. I applaud the decision of the gentleman from Alabama to fund the gas turbine modular helium reactor program, which was formally authorized in the Energy Policy Act of 1992 after very careful deliberation.

I commend the statement made by the gentleman from New York [Mr. HOCHBRUECKNER], our distinguished colleague, just a few moments ago with regard to his analysis of the program. We have been, in the Committee on Science, Space, and Technology, following this, reviewing it annually now since the mid-1980's, and I might add: So have many utilities. I will tell this audience that I have not hesitated to oppose what I consider to be unnecessary R&D programs in the past, and even as my distinguished colleague from Tennessee will remember, I opposed the molten metal fast breeder reactor in Tennessee to her regret at that time. So, I am not an unalloyed supporter of every new technology that comes down the road. In this case I believe that this technology, when fully developed, has the potential to constitute a major new advancement in the nuclear energy field. It has very strong export potential. There is no question but what we can work closely with scientists in Russia to develop this to the stage of marketability and that it will enhance our balance of trade and enhance our relationship

with the Russians if we can accomplish this.

Mr. Chairman, I believe that for all of these reasons that this is a program which should be continued. Those who argue that they can save money by eliminating this program, either in the short term or in the long term, have failed to grasp the fact that any programs eliminated in an appropriations bill, the money for them is distributed to other appropriations bills and gets spent. I have not seen any way to reduce the annual expenditures by striking out a program that I did not happen to like. There are other ways to get at this matter of how to save money, but eliminating a program at this stage is not going to achieve what its sponsors hope that it will achieve, perhaps to my regret as much as my colleagues.

The program is worthy of support, and I urge that the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] be defeated.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to follow up on the comments of the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, and also rise to speak in response to the comments of the gentleman from Wisconsin [Mr. KLUG], who observed that he was not a rocket scientist or a nuclear scientist and that there was not one in the Chamber.

Just a slight correction, Mr. Chairman. I happen to be a nuclear physicist, and so there is one in the Chamber.

I rise to speak against the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE] not simply because I am a nuclear physicist. In fact, I agree with the previous speaker and his comments about the liquid metal reactor, which I was very skeptical about for a number of years; and that project should not have continued. I am pleased it did not. But in this case I think we have a viable project which certainly bears further investigation and continuation, and I urge that we defeat the Byrne amendment for that reason.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I appreciate the gentleman pointing out my mistake because I did not see him in the Chamber at the time.

But what would the gentleman say in response to the National Academy of Science review of this program that indicated it should be terminated because the technology had very little potential or benefit?

Mr. EHLERS. Mr. Chairman, I cannot respond to that because I have not seen the NAS report, and I would certainly be happy to read it, and review it and discuss it further.

□ 1420

My comment at this point is simply that I do believe it is important for us to get into the plutonium reactor business. I believe that is where the potential is for the future, and if the project does fly, if it does work, I do believe this is more promising than the uranium-based reactors we have been using for some time.

In addition, the French have demonstrated successfully that reactors of this type can be built and operated. Theirs is a somewhat different approach. I think it is worth pursuing the approach that is envisioned in the legislation before us to see whether or not it can succeed and whether or not we can develop a technology that is useful in this Nation and can be marketed abroad.

So, Mr. Chairman, I rise to speak against the amendment, and I urge that we defeat it at this time.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I have no tie to this program. I am not a nuclear engineer by any stretch of the imagination. I am just an old lawyer—a country lawyer at that. But for about 5 or 6 years I have followed the course of this program because I have chaired a panel of the Committee on Armed Services which has been very much interested in a new production reactor for tritium production, and consequently this has been in the forefront of our budget every year.

We have spent a lot of money on it so far. We have spent $471 million apparently on this program. The question before us right now is whether we should spend $12 million more, a modest sum of money, and we are asking ourselves, even at that level, are we throwing good money at the bad?

First of all, this is late in the debate, but let me attempt to explain what this gas turbine modular helium reactor—GTMHR—is. If we compare it to something we know, the lightwater reactor, it has fuel rods with fuel pellets within it.

This particular reactor, instead of having these fuel pellets clad in aluminum, which will burn, by the way, under certain circumstances, has carbonized pellets within it, small fuel particles that are carbonated and pyrolytic. They have been refracted and carbonized so that they have a huge resistance to transients of heat, and they give off heat very slowly. That is one key difference which makes them safer than lightwater reactors.

Second, in place of lightwater as a coolant and a moderator in a typical lightwater reactor, this reactor has helium. Chemically, it is inert. It does not combine with other elements. It does not create crud that has to be cleaned out, that gums up the system. Eutrophically, it is also stable. It does not lead to the production of stray neutrons within the reactivity of the reactor itself. So again this is a passive safety feature built into the design of the system.

Third, it has what engineers call a negative coefficient because the higher the temperature of the reactor, there is a transient in power and a transient in heat, a runup that might lead to a meltdown in critical catastrophic circumstances. When the reactor core negatively reacts, it begins to shut down. It reacts less rather than more with a runup of heat. So this negative coefficient leads to the most important passive safety feature of this reactor, and that is the reason, through it has been plagued with problems in the past, scientists and engineers and the Department of Energy have continued to pursue it because they see it, if they can put it over the threshold of all these problems, as truly the next generation reactor, something we want to choose and something we want to use.

Now, there is another and final feature to this system which is a recent addition and which overcomes some of the problems the National Academy of Sciences has pointed to and that other commercial operators of the system have discovered in trying to apply it to a commercial application, namely, we now have a design with a direct drive system. Instead of running the helium up to a certain heat and then running it through a heat exchanger where it heats water and the water is gasified to steam which drives the turbine, the helium here will be released from the reactor vessel, it will rush through the turbines, and this will generate electricity and we will have a much higher conversion ratio of power within the reactor to the power output, the electric output, of the turbine system.

Now, why, if it has all these pluses, has the Department of Energy apparently abandoned it? The answer to that is that the DOE, the Department of Energy, did not abandon it. Going back to 1988, the Department of Energy decided that we needed a new tritium production source because those old reactors at the Savannah River were nearing 40 and 45 years old, so we needed to build a new reactor. They looked at two different design possibilities, a heavy water reactor like the ones we have at Savannah River and their possibility of pushing them aside and going into something completely new, a modular, high-temperature gas-cooled reactor. Just about at the completion of that process, Dominic Monetta, who was in charge of the program, the new production reactor program, having spent the better part of several years and millions of dollars looking at two choices intensively, was ready to recommend

hands down that the high-temperature gas-cooled reactor should be the choice, the preferred candidate for the new production tritium reactor for the Department of Energy.

What happened? That was in the fall when Bush and Gorbachev began getting together, and they made totally unexpected and totally unprecedented, almost unilateral and bilateral reductions in nuclear weapons on both sides. As a result, the demand for tritium went down dramatically because we were not going to be bringing on the nuclear weapons for our stockpile that we had anticipated, and furthermore because we were going to be making dramatic reductions in our nuclear stockpile, we were freeing up tritium and making it available from the tritium bottles from weapons that were being retired. Consequently, we did not need the tritium, and Secretary Watkins said, after spending millions of dollars, "We are going to defer this decision. We are going to sidetrack this decision. We cannot justify an investment of several billion dollars at this point for tritium that we don't need.

But they deferred it. They did not say that we do not need it now, and as a matter of fact, Secretary O'Leary has testified that she has got to make a decision within the next year or two, probably in the next year, as to the new production source.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. Let me complete my point first.

When that decision is made, Mr. Chairman, I would like to see the Department of Energy have all the available choices before it.

The other choice for the reactor is an accelerator, and the labs would love to build an accelerator because that is their technology. They know it, and they understand it. But here is a report of March 1989, issued by the two labs, Los Alamos and Brookhaven, on an accelerator production technology. The cost, this says, would be about $2.3 billion, allowing for a $600 million contingency. But wait. There is also an additional cost, because to operate it you need a 770-megawatt backup generator to power the reactor. And what is that going to cost? Somewhere between $160 million, if you can buy that at Bonneville rates, and $270 million a year. So we have a substantial life-cycle operating cost.

As for the high-temperature gas-cooled reactor, it has a downstream benefit because it can be used, and indeed it is designed for the purpose of producing power.

So surely, it would probably cost $3.5 billion to build. That would include a containment structure, but after it is built it would have downstream benefits. It would have a cash flow that would come with it, that would not only help us recover the capital cost but also would offset some of the operating expenses.

Mrs. BYRNE. Mr. Chairman, will the gentleman yield now?

Mr. SPRATT. Yes, I yield to the gentlewoman from Virginia.

Mrs. BYRNE. Mr. Chairman, is the gentleman aware that I have a letter from Secretary O'Leary that says, "We support your amendment to terminate the program," dated yesterday? I cannot imagine anything more recent, given all the information we know. They do not support it because of the cost, because of the ineffective potential of it, and as of yesterday the Secretary is saying that they support the Byrne amendment to terminate the gas modular regulator.

Mr. SPRATT. Mr. Chairman, I would reclaim my time.

I am the chairman of this subcommittee, and along with others who have followed this matter closely and have spoken on the floor, I have been following this project for 5 years. Secretary O'Leary has done a great job. She has been in office for 1 year, and she has now made this decision.

We say, here is $12 million to look at this candidate. Before you go out and buy an accelerator for tritium production, look at this other candidate which has this other potential of producing power, recovering your capital, offsetting operating expenses, and maybe proving the potential of the next generation nuclear reactor with passive safety features.

That is what we are encouraging the Department of Energy to do, to spend $12 million on top of the $471 million already spent and see if this is not a technology worth employing.

□ 1430

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am concerned that there may be some people out there that think by voting for this amendment they are actually going to save some money. Let us be clear, this is not an amendment about saving any money whatsoever. It is actually an amendment about costing money, and it is really an amendment aimed at killing off some more good science.

Let us talk about the money savings first. This amendment claims to save $12 million. Now, we all know that under the appropriations process it will save nothing. This appropriations subcommittee is going to go to conference. They are going to work out their pool of money. Ultimately, they are going to spend that pool of money, whatever they were allocated.

All we are doing is making a determination about what is going to be in the pool from which they work. We save no money here at all. There is no savings of $12 million.

Now, the problem here is that not only do you not save $12 million, it actually ends up costing you money. Because if you terminate this program and you actually do what this amendment purports to do, it is going to cost us $21 million to terminate the program. So instead of saving $12 million, we end up having to spend $21 million to terminate the program.

That makes absolutely no sense, unless what we were talking about was a program that was bad science. But that just cannot be sustained by anyone either.

Mrs. BYRNE. Will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Virginia.

Mrs. BYRNE. Is the gentleman aware that, even though we have close-down costs, that this program is slated to cost $5.3 billion? Isn't that enough savings for the gentleman?

Mr. WALKER. I think the gentlewoman does not understand the program, from what she is saying. The specific contract under which we are now working is for this R&D project, which can be completed in 5 years, and costs not more than $100 million for the total program.

Now, the gentlewoman wants to talk about the next phase, when you actually go out and try to build a commercial plant. That is $2.5 billion, or, if you want to put it in containment, it comes up to the kind of figures the gentlewoman talks about. That can all be paid for privately. There is absolutely nothing in this program that binds us to doing that with public money. The commercial industry can pick up after this research is done and do every penny of that additional money privately.

Now, it may well be that the Federal Government would decide at some future time to make a commitment, but there is absolutely no commitment in this program to go to that kind of spending. So you are absolutely wrong to suggest that that kind of money is involved in this particular program.

This program is aimed at giving us the good science we need on which to build the future program. So it is absolutely wrong to suggest that this is $12 million being spent in pursuit of $2.5 billion or the $5.8 billion figure you want to pull out of the air. It has absolutely nothing to do with this particular program.

Mrs. BYRNE. If the gentleman will yield further, they are not out of the air. They are from the studies that had been done by the GAO, by the National Academy of Sciences, who evaluated this for Congress. I would ask the gentleman, if this project is so worthwhile——

Mr. WALKER. Again, the gentlewoman does not know what she is talking about.

Mrs. BYRNE. Well, the gentleman says the National Academy of Sciences does not know what it is talking about

either. I am asking the gentleman if indeed we have such a worthy project here, why does not the private industry fund its own R&D, if they are going to make so much money on it at the taxpayers' expense?

Mr. WALKER. The fact is we have long funded advanced R&D and risky R&D in this country. It is what good science is all about. The gentlewoman, I know, does not want this Nation to kill off all good science in this country. But the gentlewoman is aiming in that direction.

But let us talk about the National Academy of Sciences. The National Academy of Sciences has never looked at the gas turbine reactor. They have looked at the high temperature reactor, gas reactor, and so on. This was back in the late 1980's. The gentlewoman is relying on data at least now 6 years old, and they have never looked at this particular mechanism.

We have in fact had a number of major advances since that time that make this a much more worthy project than anything the National Academy of Sciences has looked at. So you cannot cite the National Academy of Sciences studies.

The GAO studies are a series of studies that have looked at the totality of the economics. But once again, GAO has never suggested that the Federal Government is going to be obligated for all of this money. They cannot suggest that, because there is nothing in the contract to show that.

The bottom line is that the only thing this obligates us to do is to do the further research on the reactor, which is a total of $100 million spread out over a 5-year period. If at the end of that time the industry feels as though they have got a project that they can go ahead with, they can come to the Federal Government and ask for some money. We do not have to give it to them. We can do exactly as the gentlewoman suggests at that point and say to them fine, we now have proven technology, and you can expend your own money, if you think this is something good to do. We do not have to fund it at those kinds of rates.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. I would say the gentlewoman is wrong on those counts as well. I would like to discuss a little bit about the science if I could. That is actually why I came here.

Mrs. BYRNE. If the gentleman would yield further, I am a little bit puzzled by the gentleman's response, since the gentleman voted for Penny-Kasich and that was in it. Why did he vote for it then?

Mr. WALKER. There were many things in Penny-Kasich that I had some problems with. I voted for it as an overall kind of message which I thought was a very, very good idea in terms of cutting overall funding. I would have preferred to see all of that money cut. We did not get there. Your leadership, in fact, basically undermined our ability to do Penny-Kasich. I am sorry about that. But on individual choices, I think this is not a responsible individual choice, particularly since it is going to end up costing us money, and that does not make any sense to me at all.

I would also point out to the gentlewoman, that when the Republicans had a chance to do our own version of that, which was the Republican budget initiative for 1995, the actual Kasich bill, the termination of the gas reactor was not a part of that budget. In fact, the GTMHR was fully authorized in Public Law 102–486, the Energy Policy Act of 1992 that President Bush signed into law. So this is a fully authorized project, it was not included in the Republican budget alternative, and it is a program which, in my view, is one where you can point to the science as being a good, worthy kind of science that gives us something that commercial industry can build off of.

Now, I think we need to look a little bit at some of that science. Because if we are in fact going to have a reasonable chance of competing in world markets with nuclear energy in the future, it seems to me we have to be a part of the advanced reactor concept.

The GTMHR, one of its great advantages is it cannot melt down. With its inherent properties and inert helium coolant, ceramic fuel, and a low power density core and large negative temperature coefficient, and heat conduction and radiating geometry, the GTMHR would shut itself down on its own in the event of a loss of coolant or a catastrophic failure of all the manmade active safety systems. In laymen's terms, once the reactor core gets too hot, nuclear fission cannot naturally occur.

It seems to me that is something we want to be about as a nation, if we believe nuclear power has any kind of place in our mix in the future. It would be devastating for us not to be a part of doing that.

Now, I understand. We have a Department of Energy at the moment that wants to commit us to only one kind of advanced reactor work. So you now get a letter from the Secretary of energy, because she has made a commitment to going only one direction.

We have long found out in research and development that going only one direction is a bad idea. When you are doing R&D, you ought to have a number of options that are available to you. It seems to me this is an option we ought to keep. I would hope we would vote against the Byrne amendment. It is a bad amendment that costs us money, not saves us money.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Byrne amendment. This year I have looked at the cancellation of the super collider, which I still do not know if it was any good or not, if the billions of dollars we put into it would be effective. I also look at the space station, and I think there is an area in science where we really have made a mistake on the House floor by not supporting it. The gentlewoman I think would take a look at even the space station for things that we wanted for men's and women's cancer research.

This is not about cancer research, but I had a group in my office just 20 minutes ago that are looking to ship Alaskan oil out to foreign countries, and they know we are importing oil. I can remember gas lines back in the eighties, and we were all concerned on this floor about energy sources. We look at different types of fuels that we can use. I do not think there is a Member on this floor that does not believe that in the near future we are not going to have alternative sources of energy in this country.

□ 1440

Oil is going to go away. Nuclear power is not the answer for everything. And so I support the gas turbine-modular helium reactor. Take a look at my colleague, the gentlewoman from California [Ms. SCHENK], the committee chairmen who have studied the issue throughout the years. I would say that their knowledge, their expertise on this issue warrants taking a look at it. I ask my colleagues to oppose the Byrne amendment. Support what I think is a very good investment to give us alternative energy sources in the future.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have probably heard more this afternoon than we really want to know about the gas reactor. But there have been a lot of statements made this afternoon, mixing apples and oranges and some other things into this mix.

First off, certainly it has been true that this committee has been burned a number of times through the years of going down the wrong path only to have the rug jerked out from underneath us and on reactor research for the future. What concerns me there is an old saying that we should never put all of our eggs in one basket.

This is what the Department of Energy is doing today for the future of electric generation, nuclear generation. It is the advanced light water reactor. The light water reactor has been the workhorse in the production of electricity from nuclear powerplants in this country and the advanced light water reactor is a far improvement

from what we had before, both in safety as well as efficiency. It is one that we need to continue.

But at the same time we need also to continue the research for alternative sources sometime in the future. This reactor is just exactly what we have felt in this committee is meeting that demand.

Let us look at the future here. Can Members see this chart? We are talking about the future needs for our children and grandchildren. This has been produced by the World Energy Commission, meeting in Madrid, the 15th World Energy Commission, having more than 250,000 experts from various disciplines from all over the world. They came up with these projections for the next 30 years.

Where is electricity energy going to come from? The big producer is going to be coal. That is probably not true in this country but worldwide coal is still going to be the most important. Next is nuclear. Then down to natural gas, then some oil, some hydro, most Members on this floor would not propose any hydro production. They do not want to build one more dam anyplace that could produce hydro power. In a very small projection here for the so-called renewals that most people like to, pie in the sky, say, we are going to use up the waste and hopefully that will be true. But it is not going to be the big producer of the future.

So let us look at coal. What luck would we have today to build a coal reactor in this country, a coal fired power generating station? About the same as we are going to have with nuclear. Natural gas, we ran out of natural gas just a few years ago. So the one nuclear. Why do we not continue to look at this new gas reactor, the gas turbine that we are talking about here today? It is passively safe, as has already been said. It cannot melt down. It is inherent in the system. Even if all the coolant is lost, all the power is lost, it automatically closes down without any meltdown. We will not have meltdown, the traditional reactor fission materials.

Second, it is more efficient, even shown here, more efficient than any other reactor we have today, from 50 to 70 percent more efficient than any other nuclear reactor.

Then the third thing, as has been argued here, about the study, that January study of the gentlewoman. I have read a review of that. That study was made back in 1988–89. It was made on one thing, not $5.3 billion, not to build a commercial reactor for electric production. But it was to replace the trillion in our nuclear stockpile. All the facilities, not just the reactor itself but all the facilities, all the other things have got to be built into building this military defense replacement. It was not for a commercial nuclear reactor that we are talking about.

So let us look at this small modular something that anybody who is a chief executive officer of a generating company today, producing electricity, they are in danger today of going very deep into producing a nuclear request. But this is small and modular. This same study said that we will need 1,000 new reactors between now and 2030, nuclear reactors to produce the world's power.

Where is it going to come from? The utility companies do not have the money today. But with the small modular, modular means that you put a small one in this day, 2 years from now, 5 years from now, production requirements for more generation are needed, then you can add one more modular next to it. A small investment. You keep adding modulars as you need them. For world export, there is a lot of small, very high density countries that do not have the electric power that they need for the future. This small modular can be sold to them, small, safe modular generator.

It can be exported to foreign countries. This is the chance today we have to continue this research, and it will not take $5.3 million. We will have proven the process, $12 billion was not quite enough; $12 million was not quite enough. The request was for 25. But because of the austere program this year, we had to cut it to 12.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, the gentleman brought up a very good point.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MYERS] has expired.

(On request of Mr. CUNNINGHAM, and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 1 additional minute.)

Mr. CUNNINGHAM. Mr. Chairman, if we take a look at what would have happened at Desert Storm if we would have lost the oil source in the cost of goods, when we talk about interest rates in this country and we look at construction, everything else that we depend on energy, take a look, if we have an edge on the market of energy production around the world. And when the gentleman talks about export, we are talking about jobs. We are talking about energy security in the future. To me that is very, very important.

I know the gentlewoman is well-intentioned, but I think we need to look a little bit further down the road.

Mr. MYERS of Indiana. Look at the small islands we have in the Pacific now that we are responsible for. Today they do not have the capacity to generate the electricity they need. This modular generator would be perfect for small countries and small islands like this.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am going to make the brief, because we have heard now from the chairman of the Committee on Science, Space, and Technology here who is very much opposed to this amendment. We have heard from the gentlewoman from Tennessee [Mrs. LLOYD], the subcommittee chairman. We have heard from the gentleman from South Carolina [Mr. SPRATT], chairman of the panel on the Armed Services Committee. We have heard from one of our Members, a physicist, and so I see nothing that I can add.

I just urge everyone to vote against this amendment and not kill the funding for this project.

Mr. BARCA of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

I will not prolong the debate too long but there have been a couple points that have been made that I want to provide some clarification.

First of all, one of the previous speakers stated that the study that was done by the National Academy of Science was done some 5 or 6 years ago. That simply is not the case. In fact, the committee learned in mid-1991 that the GT–MHR design had been changed and they reviewed those changes. And they have said that the committee is not aware of any changes to the fundamental principles underlying the concepts being discussed in the GT–MHR proposal.

The point being, Mr. Chairman, that the National Academy of Sciences was well-aware of some of the changes that were being discussed, and we are not talking about fundamental changes in the concept of what they are trying to accomplish. They have been on record in opposition to this.

Second, a number of Members have stated that this is a priority of the private utility industry. Obviously, it is not a priority. Ninety-seven percent of the cost of this program is coming from the taxpayers. That does not sound like a priority to me.

I am sure that is why President Clinton and former President Reagan, their administrations are opposed to this. I would hope that we would move forward and support this amendment.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. BARCA of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, just a few points to close the argument on our side.

First of all, we have heard arguments about the cost. Remember, let me say this one more time, there are only two phases of Government projects—it is too soon to tell and it is too late to stop it. Again, that is where we find ourselves on this debate

□ 1450

The Department of Energy estimates that it will cost $700 million in research and development funds if we

continue this project, just to get the information we need to know if we need a demonstration reactor, and then if we build a demonstration plant, the Department of Energy says it will cost $18 million more.

My colleagues from Virginia and Wisconsin are absolutely correct in the amount of money it will cost in the long run. As the chairman of Southern Nuclear said years ago, "We believe it will become a commercial candidate only after several years of performance," so again, even after we do the research and even if we do the prototype, unless there is a demonstration needed, if there is no demo, there are no buyers.

Where are we going with this? The Clinton administration, the Reagan administration, the National Academy of Sciences, the National Taxpayers Union, the Citizens Against Government Waste, and the Department of Energy as late as yesterday said kill the project.

One final time, Mr. Chairman, I urge my colleagues, especially those who voted for the Penny-Kasich amendment, to vote for the Byrne-Klug amendment, to kill a long-outdated and unnecessary project.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mrs. BYRNE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 241, not voting 10, as follows:

[Roll No. 234]

AYES—188

Allard	Edwards (CA)	Hoekstra
Andrews (ME)	Engel	Hoke
Andrews (NJ)	English	Holden
Andrews (TX)	Eshoo	Hutchinson
Bacchus (FL)	Evans	Inhofe
Barca	Faleomavaega (AS)	Istook
Barcia	Farr	Jacobs
Barrett (WI)	Fingerhut	Johnson (SD)
Becerra	Fish	Johnston
Berman	Fowler	Kanjorski
Blackwell	Frank (MA)	Kaptur
Blute	Franks (CT)	Kasich
Boehlert	Furse	Kennedy
Boehner	Gejdenson	Kennelly
Brewster	Gilchrest	Kildee
Brown (OH)	Gillmor	Kingston
Bryant	Gilman	Kleczka
Bunning	Glickman	Klein
Byrne	Goodlatte	Klink
Camp	Goodling	Klug
Cantwell	Goss	Kopetski
Castle	Grandy	Kreidler
Coble	Greenwood	LaFalce
Collins (GA)	Gutierrez	Lancaster
Condit	Hall (OH)	Lantos
Cooper	Hall (TX)	Levin
Coppersmith	Hamburg	Lewis (GA)
Costello	Hamilton	Lewis (KY)
DeFazio	Hancock	Lightfoot
DeLauro	Hefley	Lipinski
Dellums	Hinchey	Long
Deutsch	Hoagland	Lowey
Dickey	Hobson	Machtley
Duncan	Mann	Maloney
Margolies-Mezvinsky	Peterson (MN)	Snowe
Markey	Petri	Stark
McCrery	Porter	Stearns
McHale	Portman	Stenholm
McHugh	Poshard	Strickland
McInnis	Pryce (OH)	Studds
McKinney	Quinn	Stupak
Meehan	Ramstad	Swett
Menendez	Ravenel	Synar
Meyers	Reed	Talent
Mfume	Richardson	Tanner
Miller (CA)	Roberts	Thurman
Miller (FL)	Romero-Barcelo (PR)	Torkildsen
Minge	Ros-Lehtinen	Torres
Mink	Roth	Underwood (GU)
Nadler	Roukema	Unsoeld
Neal (MA)	Roybal-Allard	Upton
Nussle	Rush	Vento
Oberstar	Sabo	Waters
Obey	Sanders	Watt
Olver	Schaefer	Waxman
Oxley	Schroeder	Weldon
Pallone	Schumer	Williams
Paxon	Sensenbrenner	Woolsey
Payne (NJ)	Sharp	Wyden
Payne (VA)	Shays	Wynn
Pelosi	Shepherd	Yates
Penny	Slaughter	Zeliff
	Smith (MI)	Zimmer

NOES—241

Abercrombie	Dooley	LaRocco
Ackerman	Doolittle	Laughlin
Applegate	Dornan	Lazio
Archer	Dreier	Leach
Armey	Dunn	Lehman
Bachus (AL)	Durbin	Levy
Baesler	Edwards (TX)	Lewis (CA)
Baker (CA)	Ehlers	Lewis (FL)
Baker (LA)	Emerson	Linder
Ballenger	Everett	Livingston
Barlow	Ewing	Lloyd
Barrett (NE)	Fawell	Lucas
Bartlett	Fazio	Manton
Barton	Fields (LA)	Manzullo
Bateman	Fields (TX)	Martinez
Beilenson	Filner	Matsui
Bentley	Foglietta	Mazzoli
Bereuter	Ford (MI)	McCandless
Bevill	Ford (TN)	McCloskey
Bilbray	Franks (NJ)	McCollum
Bilirakis	Frost	McCurdy
Bishop	Gallegly	McDade
Bliley	Gallo	McDermott
Bonilla	Gekas	McKeon
Bonior	Gephardt	McMillan
Borski	Geren	McNulty
Boucher	Gibbons	Meek
Brooks	Gingrich	Mica
Browder	Gonzalez	Michel
Brown (CA)	Gordon	Mineta
Brown (FL)	Grams	Moakley
Burton	Green	Molinari
Buyer	Gunderson	Mollohan
Callahan	Hansen	Montgomery
Calvert	Harman	Moorhead
Canady	Hastert	Moran
Cardin	Hastings	Morella
Carr	Hayes	Murphy
Chapman	Hefner	Murtha
Clay	Herger	Myers
Clayton	Hilliard	Neal (NC)
Clement	Hochbrueckner	Norton (DC)
Clinger	Horn	Ortiz
Clyburn	Houghton	Orton
Coleman	Hoyer	Owens
Collins (MI)	Huffington	Packard
Combest	Hughes	Parker
Cox	Hunter	Pastor
Coyne	Hutto	Peterson (FL)
Cramer	Hyde	Pickett
Crane	Inglis	Pickle
Crapo	Inslee	Pombo
Cunningham	Jefferson	Pomeroy
Darden	Johnson (CT)	Price (NC)
de la Garza	Johnson (GA)	Quillen
de Lugo (VI)	Johnson, E. B.	Rahall
Deal	Johnson, Sam	Rangel
DeLay	Kim	Regula
Derrick	King	Ridge
Diaz-Balart	Knollenberg	Roemer
Dicks	Kolbe	Rogers
Dingell	Kyl	Rohrabacher
Dixon	Lambert	Rose
Rostenkowski	Smith (NJ)	Towns
Rowland	Smith (OR)	Traficant
Sangmeister	Smith (TX)	Tucker
Santorum	Solomon	Valentine
Sarpalius	Spence	Velazquez
Sawyer	Spratt	Visclosky
Saxton	Stokes	Volkmer
Schenk	Stump	Vucanovich
Schiff	Swift	Walker
Scott	Tauzin	Walsh
Serrano	Taylor (MS)	Whitten
Shaw	Taylor (NC)	Wilson
Shuster	Tejeda	Wise
Sisisky	Thomas (CA)	Wolf
Skaggs	Thomas (WY)	Young (AK)
Skeen	Thompson	Young (FL)
Skelton	Thornton	
Smith (IA)	Torricelli	

NOT VOTING—10

Collins (IL)	Reynolds	Washington
Conyers	Royce	Wheat
Danner	Slattery	
Flake	Sundquist	

□ 1512

Messrs. ARCHER, LAZIO, LEHMAN, POMEROY, and DURBIN changed their vote from "aye" to "no."

Mr. FRANK of Massachusetts, Mr. DELLUMS, Ms. KAPTUR, Mr. RUSH, and Mr. PALLONE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to associate myself with the earlier remarks of the gentleman from Texas [Mr. STENHOLM] on Twin Buttes Dam and thank him for all of his good efforts.

Also, I want to thank the chairman and Mr. MYERS. They have been most gracious in their willingness to work with us to resolve this matter.

I understand that the amendment that we would have liked to offer is not germane, and Mr. STENHOLM and I are prepared to work with the authorizing committee. We will introduce legislation shortly.

The matter of Twin Buttes Dam in San Angelo, TX, is one that concerns me greatly. Much is at stake. First and foremost is the safety of Twin Buttes Dam—and the safety of San Angelo, TX, and its residents. The dam continues to deteriorate because of its original, faulty design and construction in the 1960's.

Today, Twin Buttes is ranked the No. 1 safety risk among dams under Bureau of Reclamation control.

Time is something that we no longer can afford to apply to the problems of Twin Buttes.

I was pleased to be a part of the successful effort to work out a technical solution with the Bureau of Reclamation. Now, a prompt resolution of the funding issue is critical so that that action to correct this situation may begin.

A gross injustice would be done to the citizens of San Angelo by requiring them to pay for a mistake that the Bureau made decades ago.

That must not be allowed to happen.

I only add that I appreciate the good will and leadership of the chairman and Mr. MYERS as we continue to address this matter.

AMENDMENT OFFERED BY MR. SWETT

Mr. SWETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWETT: Page 17, line 19, strike "$3,302,170,000" and insert "$3,235,470,000".

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire [Mr. SWETT] for 5 minutes.

Mr. BEVILL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto be limited to 40 minutes, equally divided between the proponent and an opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GALLO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. GALLO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, the purpose of this amendment is to strike $67 million in funding for construction of the tokamak physics experiment, a planned new tokamak fusion reactor at the Princeton Plasma Physics Laboratory in Princeton, NJ.

Before I proceed, I would like to clarify what this amendment is about because there has been an attempt by some to muddy the waters and make unclear the intentions.

First of all, this amendment is not about our Nation's energy problems. I am sure we agree that we have a long-term energy problem which requires us to look for promising new energy technologies, including fusion energy.

Second, this amendment is not about supporting or opposing fusion. I, like many Members, strongly support basic fusion research. In fact, one of the reasons I am offering this amendment is precisely because I am concerned about the effect that construction of the tokamak physics experiment could have upon basic fusion research. This amendment is not about basic fusion research.

Third, this amendment is not about U.S. participation in international fusion energy research. This amendment would still leave $309 million in fiscal year 1995 for the U.S. Fusion Energy Program, including funds which will go toward international fusion energy research.

Mr. Chairman, this amendment is about whether or not U.S. taxpayers should pay billions of dollars for commercial development of one particular fusion technology, the tokamak, when the expected development costs are tens of billions of dollars, and when there are clear indications that a tokamak is not going to succeed commercially.

If we had unlimited funds, then building the tokamak physics experiment would be reasonable. We do not have unlimited funds, which is why we need to eliminate wasteful spending such as construction for the tokamak physics experiment.

Mr. Chairman, a tokamak is a fusion technology invented by Russians back in the 1960's. Over the years, tokamaks have been tremendously successful at advancing the science of fusion, most recently at the Princeton Plasma Physics Laboratory.

Tokamaks, however, do not make sense as a commercial energy source, which is why we should stop the tokamak physics experiment. There are four main reasons why we should stop this experiment.

First, as I mentioned, tokamaks do not make sense as a commercial power source. Recent studies from DOE's Lawrence Livermore National Laboratory and Los Alamos National Laboratory have highlighted the tokamaks' problems with cost, complexity, unreliability, and radioactive waste. A tokamak fusion powerplant would cost more than a fission plant, and it would still create radioactive waste. No utility is going to want to buy a huge, complicated nuclear fusion reactor which costs more than a nuclear fission reactor and still emits radioactive waste.

Second, the tokamak's project development costs are astronomical. The economics do not make any sense, which is why this amendment is supported by groups such as the National Taxpayers Union and Citizens Against Government Waste. The projected total program cost over the next 45 years is $40 billion. In a time of tight budgets, it doesn't make sense to waste billions of taxpayer dollars pursuing a technology which does not show commercial promise.

Third, construction of the tokamak physics experiment threatens basic fusion research. The tokamak physics experiment has a total estimated cost of $2.2 billion. $700 million for construction costs plus operational costs of $150 million/year for 10 years. Building the tokamak physics experiment will take away scarce funds from basic fusion research.

The DOE has effectively squeezed out all non-tokamak research. Alternative fusion gets just 3 percent of the fusion budget, effectively putting all our eggs in one basket. This squeezing out of potentially cleaner, cheaper fusion concepts is contrary to recommendations from utility panels, fusion researchers—even DOE's own fusion advisory boards.

Fourth, tokamak reactors do not make environmental sense, which is why this amendment is supported by groups such as the Sierra Club, the Nature Resources Defense Council, Friends of the Earth, and the Safe Energy Communication Council.

Tokamaks as currently planned would produce more radioactive waste than a fission plant.

If our goal is a commercially viable electric energy source, then it does not make sense to build the tokamak physics experiment.

Finally, Mr. Chairman, I would like to say a few words about the process here. Needless to say, a floor amendment to an appropriations bill is not anyone's preferred means of making policy. In a perfect world, authorization debates would always precede appropriation debates, and there would always be time for extensive debate on every issue.

I firmly believe, however, that when taxpayer dollars are being wasted, we should not wait. If we cannot stop wasteful Government spending wherever and whenever we find it, we are never going to get our budget under control.

Mr. Chairman, Congress stopped construction of the tokamak physics experiment last year. Congress should stop it again this year.

Mr. Chairman, to repeat myself, this amendment is not about basic fusion research. This amendment is about whether, in an era of tight budgets, it makes sense to spend billions of taxpayer dollars trying to commercialize one particular fusion technology—the tokamak which does not show commercial promise.

I urge Members to join me in supporting the amendment.

□ 1520

Mr. Chairman, I reserve the balance of my time.

Mr. GALLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose the Swett amendment. I am sure my colleagues have heard of the recent successes in fusion energy research. Fusion energy is the only long-term energy supply option that the world has and America must continue to support this program. Energy is fundamental to everything that we do.

Unfortunatly, energy use strains the environment, and that is why scientists around the country and around the world are working to harness fusion energy.

This amendment does not make any sense. It targets the tokamak concept and the tokamak physics experiment in particular. Tokamaks are the central focus of every major fusion program in the world.

The collective wisdom of the scientists and engineers from Japan, the European Community, America and Russia cannot all be wrong. I accept the scientific expertise of these people and the Department of Energy which has put forward a fusion development plan. The plan has been on the books through the last three administrations—it is clear and it is focused, and the next major step for the United States is the TPX project.

Energy security is at the heart of this program. But harnessing the energy of the sun and stars is not easy.

The Wright Brothers didn't invent the passenger airplane, but they took the first huge step. American scientists and engineers at universities and laboratories around the country—at MIT, the University of Wisconsin, the University of California, the University of Texas, Columbia, Auburn University, University of Colorado, Cornell, Lawrence Livermore National Lab and Princeton are working on fusion and they will work on TPX.

The supporters of this amendment talk about the need to support alternatives to Tokamaks. I have noticed that they are careful to say that these other concepts may be cheaper and may be better. I call those maybe ideas.

These alternative concepts have apparently not been able to withstand scientific review in this country or abroad. For several years now, Congress has been insisting that scientists get out of their sandboxes and into the real world. Well the real world supports tokamaks because it is a proven technology that works.

TPX is a smart step for America because it is the first tokamak to address commercial issues—how to make fusion power plants smaller and more compact. Future generations are going to need a stable, environmentally clean source of energy.

If we shortchange our research and development programs, we will pass along to the next generation energy problems that could be solved if we invest in new technologies now. Fusion is that investment.

I urge a "no" vote on the Swett amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SWETT. Mr. Chairman, I yield 5 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, if we stop this program today, we will save $67 million and $30 billion over the coming years on an energy source that is presently not showing any commercial viability.

Advancement in basic scientific research is important to the maintenance of our competitive edge. I represent the University of Florida, a premier institute for the study of science and technologies. I recognize the role such projects play in protecting our country's economic security and standing in the international arena.

I have no doubt that the Tokamak physics experiment would make an important contribution to our Nation's wealth of scientific knowledge. I have listened to the respected supporters of the program and understand that the TPX would be unique among world fusion programs.

Today, however, we find ourselves at a crossroads. Our national spending must come under a higher standard of scrutiny. The question of whether or not to fund the Tokamak goes beyond the question of its pure research value.

The real context of this debate is defined by the twin imperatives of reducing the Federal budget deficit and funding research in an area that will create a commercially viable energy source.

Look at the facts and listen to what the experts have to say. A study done by Los Alamos National Laboratory last year for the Department of Energy's Office of Fusion Energy, concluded, "Our present, conventional Tokamak approaches will not lend to attractive commercial reactor products able to compete in the energy marketplace of the 21st century."

The Tokamak physics experiment is not a good investment. It is a program that we can not afford right now. Because we have limited resources, we must freeze, cut, or terminate many projects. As Members of Congress we do not enjoy doing this, but this is the reality. While reviewing budget requests, we must look at two things: the merits of a project and its costs. Mr. Chairman, because of its high cost and low commercial potential, this project fails on its merits and is not a good investment.

Let us be objective and start by looking at the issue of costs.

The costs of developing the Tokamak are astronomical. At best, the DOE hopes to see an electricity generating commercial Tokamak reactor by the year 2040. By 2040 the total estimated cost to the U.S. taxpayer is expected to be at least $40 billion.

So we get to 2040 after spending $40 billion on 80-year-old technology and what do we have? According to recent studies from Department of Energy laboratories, a huge nuclear fusion reactor, which costs more than a fission reactor and still creates radioactive waste.

Focusing everything on the Tokamak would make sense if the project looked promising commercially, but it does not. Tokamaks are not commercially viable because of cost, complexity, reliability, and radioactive waste. It is clear that this is not a commercial source of power for the future. If we stop the funding now, we will save taxpayers $700 million in construction costs plus $1.5 billion in operating costs; a total of $2.2 billion.

The second question I ask is whether the merits of the program justify the costs? The joke in scientific circles about nuclear fusion is that commercial use is about 30 years away and always will be. Realistically, most scientists agree that it is at least 50 to 60 years away. This amendment does not attempt to stop all research in nuclear fusion but just one experiment that most scientists believe is a commercial nonstarter.

Given recent advances in energy alternatives like wind and solar power, renewable and sustainable forms of energy should be the direction in which we are focusing our attention. I applaud the administration and the committee for their efforts and vision in increasing the budgets for these programs. These alternative sources have the potential to help meet the Nation's energy needs. Moreover, they do it without the adverse environmental effects of creating contaminating radiation. Still, these alternative energy sources supply us with less than 1 percent of the Nation's electricity. These are technologies that we know work and are clean. Furthermore, we have the capability to use these technologies in commercial settings.

Mr. Chairman, in our present budgetary condition, I cannot support a program that asks so much of us and gives back so little in return. Simply put, the Tokamak physics experiment does not meet the contemporary test of budgeting. Its cost are astronomical; it is crowding out other valuable research programs; and it simply does not offer enough benefits. I hope there will be a day when we can afford programs like the Tokamak but this is not that day. I urge my colleagues to vote for the amendment.

□ 1530

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the Swett amendment to cut $66.7 million for a national fusion energy device, the Tokamak physics experiment—also known as TPX.

I find it inconceivable at a time when we are searching for new energy options that we are contemplating cutting the one program that can offer our Nation a steady supply of unlimited energy.

As recently as this May, we were cheering the record-breaking experiments at the Princeton Plasma Physics Laboratory. Now we are discussing dismantling this future component of our energy independence.

I am aware of the arguments against the TPX at Princeton. Critics state that TPX power plants do not make environmental sense. I disagree.

The fuel for a fusion power plant comes from ordinary water—ordinary water. One pound of fusion fuel contains the energy equivalent of 12 million pounds of coal or 25,000 barrels of oil. Fusion does not contribute to acid rain or global warming and fusion energy does not generate long-lived high-level radioactive waste. Fusion powerplants are inherently safe, with no possibility of meltdowns or Chernobyl-type events.

A mix of clean energy technologies—solar, renewables, and fusion—will provide the energy of the future. Fusion supplements the others by being capable of steady central station electricity generation. The environmental consequences of continued reliance on fossil fuels is too great, and to eliminate this element in our future energy mix is extremely shortsighted.

As a Member of Congress dedicated to a secure energy future, I urge you all to oppose this amendment.

Mr. GALLO. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I am going to ask the Members of this body to vote against this amendment which would strike out the funding from this bill for the TPX or Tokamak physics experiment at Princeton. I could make a very long and detailed case for this, but let me just say a couple of things more or less anecdotally.

Mr. Chairman, when I came to this great institution back in 1963 I guess it was, one of the first things I did was to correspond with the chairman of the Joint Committee on Atomic Energy and complain that we were not funding the fusion energy program as much as we should. I say that to illustrate how long we have been involved in this argument, and it was going on before 1963, Mr. Chairman, I can assure my colleagues.

There is universal recognition that probably the most promising long-range future resource for this country and the world is the fusion program. We have been involved in a cooperative program to design a fusion reactor plan for a decade or more. It involves the United States, the Russians, the Europeans, and the Japanese. We are in the last stages of engineering design for an experimental reactor. That will be the prelude then to a commercial reactor which will be probably in line sometime around 2010 or 2015. Between now and then we need to do a great deal more research on how to most effectively develop that commercial reactor.

Mr. Chairman, the Tokamak physics experiment is one part of our efforts to develop this. This has been a very successful program. Probably some of my colleagues recall the press reports of just a few weeks ago that this machine, the current machine at Princeton, produced a new record amount of sustained power from the machine that they have there.

Mr. SWETT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Hampshire.

Mr. SWETT. Mr. Chairman, I think it is only proper to make note that the record amount of energy realized at the Princeton facility was not a net benefit but was still threefold more energy input than output and only for a minor fraction of a second, and, although this is making progress, it is not certainly where the program is projected to be at this time and certainly, I think, did not bode well for future successes.

Mr. BROWN of California. The gentleman is correct about the net energy yield, but the point is all of these measures are relative. This was the best that has been achieved. It surpassed the expectations that the scientists had at the time, and it is worth continuing to improve this process.

Now, Mr. Chairman, this fusion program is based upon the work of a relatively small number of scientists throughout the country. One of these great centers of excellence, of course, is at Princeton. Others are in other parts of the country including California, Illinois, and so forth. The community is such that it is small enough so that it is highly dependent upon a reasonable continuity in the support for this program. The TPX is conceived as a way of providing that reasonable continuity between the work that is currently being done and the time when we get to actually building the experimental reactor, which is still 10 or 15 years off.

So, for a number of reasons, including the success of the existing work, the need to maintain continuity, the importance of fusion energy as the ultimate power source for the world, it is important that we continue this, and, despite the qualms that my good friend, the gentleman from New Hampshire [Mr. SWETT] has, I urge that we proceed along the path which has been established here and hope that it continues to be successful in the future as it has been in the past.

Mr. SWETT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, for the past 30 years, we have spent billions of dollars on Tokamak fusion technology which has yielded nothing as far as energy production is concerned. Over the next 50 years, the Department of Energy plans to spend $30 billion more in hopes of producing energy for commercial use. There are no guarantees this will ever happen and, if it does, the experts say it will be too expensive to be commercially viable. We should not support funding for a questionable program that divides us when we are unable to fund programs, for example, in agriculture which are proven and everybody agrees on.

Let us not repeat the mistake of the superconducting super collider. Terminating the Princeton Tokamak physics experiment before construction begins will save the taxpayers $67 million this year and $2.2 billion in the long run without adversely affecting, in my opinion, our existing DOE fusion program.

This amendment has the support of many taxpayers and environmental groups including: National Taxpayers Union, Citizens Against Government Waste, The Sierra Club, and Natural Resource Defense Council.

Please support the Swett-Shays-Peterson-Thurman amendment.

Mr. GALLO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO] who is also a member of the Subcommittee on Energy and Water.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding this time to me.

□ 1540

Mr. Chairman, I rise as perhaps the chief advocate on this subcommittee of renewable energy, and one who is frustrated by the fact that this bill is $1.7 billion below where we were last year. Yet I am still here as an advocate of Tokamak and of fusion research and an opponent of the effort to eliminate this particular fusion program.

Of course, the objections are said to be not to the basic research concept, but only to this particular design of the Tokamak. I think that flies in the face of the facts.

The Tokamak design has been chosen by an international panel of fusion experts as the main vehicle for developing magnetic fusion energy. These experts have told the world energy community that the Tokamak design is an important step toward making fusion a commercially viable energy source.

You may recall the recent world record set at DOE's Princeton's Plasma Physics Laboratory. That success demonstrates our steady progress toward the goal of demonstrating fusion as commercially viable as an electric power source.

While much work remains, this achievement moves us closer to the day when fusion might provide us with an inexhaustible supply of clean, safe, environmentally sound electric power production.

Opponents of this type of fusion claim that the design is too large and too costly. It is important to remember what the Princeton TPX program is and what it is not. This is a research and development program. This is not meant to be a commercial reactor. What we learn from this important research and development program with Tokamak's design should help us find ways to build smaller, more efficient, safe fusion reactor.

Fusion energy is important to our Nation's economic health. The Tokamak program is vital to establishing the scientific and technical foundation necessary for the ultimate commercialization of fusion energy.

In short, the TPX is part of the foundation for an integrated U.S. fusion program that will evolve over the years.

Mr. Speaker, the U.S. fusion program is a vital part of our long-term energy security. As we all know, our energy security is intertwined with our national security. Those of us who worry about global warming realize that we cannot continue to rely on fossil fuels. We need a long-term program as well

as a short-term energy program, and it has to be balanced.

We cannot overrely on our, perhaps, immediate enthusiasm for renewables. We cannot forget the efficient programs. We have debated them here today. They are barely contained in this budget any more, but they are still important. And while we cannot cut short our investment in fusion energy, we have put too much in this.

I say let us oppose this amendment. Perhaps it is healthy to have this debate periodically so people can be reminded of the importance of this effort. But look to the chairman of the Committee on Science and Technology, who will be bringing a fusion authorization to this floor. Support him and support the committee in opposition.

Mr. SWETT. Mr. Chairman, I yield myself 1 minute for rebuttal

I would like to just bring to the attention of the body that this is not a cessation of the Tokamak program. This is a reorientation away from commercial engineering development, back to more basic science, where this money could be more appropriately used to expand on alternative technologies.

If I can quote Martha Krebs, Director of the Department of Energy, at a hearing here on Capitol Hill the other week, she said:

> The fusion development program is in a period of major transition from a program focused on research to one focused on engineering development.

That concerns me, because we ought to be promoting basic science here in the Federal Government, and not commercial engineering development.

Mr. FAZIO. If the gentleman would yield, I have a high regard for Martha Krebs, and it is my belief she supports Tokamak. She believes this R&D effort is important to the fusion research program in general. I do not think we should be mistaken by taking a quote out of context.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I rise in strong opposition to the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Swett amendment which would cut all Federal funding for the centerpiece of the Nation's magnetic fusion energy program—the Tokamak physics experiment [TPX].

For decades, as Chairman BROWN pointed out a few moments ago, the Federal Government has invested in a fusion energy program as part of a comprehensive plan to provide for America and the world's long-term energy needs. By the year 2050, annual world energy demand is expected to triple from 10 trillion watts to 30 trillion watts. To meet these needs, we must broaden our capability to successfully access alternative and renewable energy sources. While this includes exploration of solar, hydropower, and similar sources, fusion energy is the only source capable of being the linchpin of this plan.

Today's investment in fusion—the nuclear reaction that powers the sun—is an investment in our children and grandchildren. We owe it to them to fully explore this exciting energy option.

Mr. Chairman, the scientific feasibility for broad commercial use of fusion power, although it is long-term, does have a very compelling aspect to it. The Tokamak fusion test reactor [TFTR]—predecessor to the TPX—recently set a world record by producing 9 million watts of fusion power. It is particularly notable that a commercial grade fuel mixture was used for the first time in accomplishing this impressive feat. Princeton Plasma Physics Laboratory—which has operated a comprehensive fusion energy research and development program since 1974 through Department of Energy funding—indicates that a number of other records were set as well, including plasma ion temperature, central fusion power density, and fusion energy per pulse. Princeton scientists expect that the first demonstration fusion power plant can be built by 2025 with widespread commercial use of fusion power by 2035.

Clearly, Mr. Chairman, we are on an important threshold. Cutting funding for the TPX would be shortsighted and without benefit. The TPX has long been heralded within the scientific community as the step necessary to make the advances in fusion research come together in an economical and manageable way.

Mr. Chairman, America needs to invest in the TPX if it is to remain competitive. Both Japan and the European Community are investing 50 percent more than the United States in fusion energy efforts. The major international fusion programs—Japan, the European Community, and Russia—are focusing their efforts and investment capital in Tokamaks. The international thermonuclear experimental reactor [ITER]—an international cooperative effort to advance fusion research and development is also centered around a Tokamak reactor.

The effective development of Tokamak reactors will enhance U.S. industrial capability in fusion, thereby enabling American businesses to bid on ITER and capitalize on the eventual commercialization of this very promising energy technology. If fusion power plants are built here, the technology can be exported abroad to the substantial energy markets of the developing world.

That means jobs—perhaps hundreds of thousands of jobs—for Americans and less dependence on fossil fuels, fission, and other less environmentally sound alternatives.

Mr. Chairman, the administration's request of $66.7 million for the preliminary design and construction of the TPX was heartily supported by the bipartisan Appropriations Committee which met this request in full. Secretary of Energy Hazel O'Leary expanded on the importance of this project yesterday:

> This is the kind of program that exemplifies the Department's mission to provide the Nation with more productive and competitive economy, and improved environmental quality.

Some of the environmental benefits of fusion power are quite profound. One pound of fusion fuel contains the energy equivalent of 12 million pounds of coal or 25,000 barrels of oil. The fact that the fuel for a fusion power plan comes from ordinary water helps to explain why fusion energy does not generate long-lived high-level radioactive waste. There is no risk of meltdowns or Chernobyl-type events with fusion reactors either.

In the United States, we currently spend about $450 billion annually on energy. Since the United States spends less than one-tenth of 1 percent of our energy expenditures on fusion research, I believe this is a very cost effective and forward looking expenditure.

Another means of putting this cost in context is to look at the increased energy costs that United States taxpayers incurred during the Persian Gulf war. Between August 1990 and January 1991 we spent an additional $30 billion on energy, more than the entire anticipated cost of developing fusion energy as a commercial power source. Clearly, the United States and its allies need to make significant strides toward energy independence so that our economic future is not held hostage by hostile or unstable governments.

TPX is a smart step for America and it is also an important project for New Jersey. Princeton University estimates that the project would provide an estimated 1,000 design, construction, and operation jobs. It would add an estimated $1.6 billion to the New Jersey economy over the 7 years of construction and the 10 to 15 years of operation.

Princeton University officials also estimate that without a new project, the Princeton Plasma Physics Laboratory [PPPL] will have to cut back drastically on its operations. This will cause a loss of national leadership in this scientific field and approximately 400 high technology jobs.

While I recognize that there are budgetary constraints which force us to make tough decisions about funding, it is important that we make these decisions wisely and with foresight. Fusion energy holds great promise in

helping us to meet our energy needs cleanly, safely, economically, and without perpetuating our dependence on fossil fuels. Let's not toss it over the side.

Mr. Chairman, the TPX is clearly worthy of our support. Therefore, I strongly urge my colleagues to vote against the Swett Amendment.

Mr. SWETT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the Swett-Shays-Peterson-Thurman amendment to reduce funding in the Energy and Water appropriation bill by $66.7 million. This is the amount in the bill for the Tokamak physics experiment, a fushion reactor project which Congress refused to fund last year. The amendment would still leave over $300 million in this legislation for fusion research and development.

Mr. Chairman, this project is simply too expensive to be a viable and attractive source of energy to private utilities in the United States. The U.S. utility industry ended its own investment in Tokamak physics in the early 1980's. In fact, even the Department of Energy claims that fusion reactors would rank 22 out of 23 in a list of energy technologies ranked according to economic and environmental criteria.

This amendment is supported by the Electric Power Research Institute, the electric utility industry's research arm, as well as the National Taxpayers Union and other groups.

I urge Members to vote in favor of the Swett-Shays-Peterson-Thurman amendment.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have had a little sadness since I listened to this debate today, because if we look back, we will see, on all of our fiscal responsibility votes, that our energy programs have borne the burdens of our fiscal responsibility. It is really not a lot to write home and be proud about, because we are no closer to long-term solutions to our energy needs than we were two decades ago.

One of the reasons that we have not seen the progress that we would love to see in the fusion program is we have consistently had to cut back in these programs, because we have not seen the immediate results.

□ 1550

I do want to commend this committee for the excellent job that they have done to continue this funding. I regret that they have not had more support, because fusion energy is the only long-term research and development effort under way that is suitable to provide central station electric power. It does represent an energy source that is free from the adverse environmental side effects of fossil fuels and the waste disposal problems of nuclear power.

My colleagues, harnessing this power will not be easy, nor will we experience instant success. The road is long and the road is difficult. But we have made continued and significant progress. We are on the path that will lead to a demonstration power plant, and the TPX represents an important step on this developmental path.

It will allow us to test new designs and modes of operation that can lead to a more streamlined system for power production. Now we must stay the course. This is the time to strengthen our resolve and make a commitment to see this program through.

I urge my colleagues to oppose this amendment and to support the committee's position.

Mr. SWETT. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I want to thank the gentleman from New Hampshire [Mr. SWETT] and his staff and the gentleman from Minnesota [Mr. PETERSON] and the gentlewoman from Florida [Mrs. THURMAN] for their work on this amendment.

We need to shift our energy priorities towards energy efficiency and clean, renewal energy sources. We should not let the Tokamak drain our resources and keep us from investing in other types of energy research. We are going to have a $1.6 trillion debt in the next 5 years, and there has been a lot of talk about amendments A to Z. I am one of those who signed a petition up at the front desk of 178. There are Members who have co-signed the bill of over 218. We have signed onto this bill, a process. And in my judgment, this is one of the first from A to Z.

This amendment would eliminate $66 million in funding for construction of the new fusion reactor called the Tokamak physics experiment, but that $66 million is this year. What about the $700 million ultimately during the course of the life of construction and the $1.5 billion of operating costs, the $2.2 billion that we are ultimately talking about?

If Members are for A to Z and they are for other ways to cut spending, I simply have a hard time understanding why this would not be first on their list. It is not a program that has promised any near run or even in the long run, a future hope for energy. Promises keep getting extended as the program continues to fail.

Now is the time to cut this program. I know it will be cut eventually. It will be cut eventually because it is not going to qualify as a means to spend money efficiently.

I urge my colleagues to vote for this amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER], a member of the Committee on Science, Space, and Technology.

Mr. ROEMER. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. Chairman, although I have the greatest respect and deepest admiration for the gentleman from New Hampshire, I must rise to oppose his amendment today. Fusion is a critical and necessary component of the world's future energy supply, and this Nation must not surrender our lead in this scientific field as we did in particle physics when we killed the supercollider.

Mr. Chairman, the world petroleum supply may expire in as little as 60 years. Where will the world energy supply come from then? How will our children and grandchildren continue to maintain our quality of life?

The world is growing and maturing. But in order for our quality and standards of living to continue, our levels of energy production must continue to grow. In order for Third World countries to evolve, they must have a number of things: modern medicine, improved transportation and simple things that they do not now have, such as clean water. You do not have any of these things, not even pure drinking water, without energy.

And in order to have that energy supply for much of the world, we need a plentiful, inexpensive source. Fusion might be the answer. With commercialization just a few decades away, this scientific investment in our future is one of the most critical efforts we can conduct for future generations. Fusion fuel is as plentiful as seawater, and fusion reactors will be safe and productive.

Japan, Europe, and the Russians are poised to seize the lead in fusion from this country. Fusion is quality science, and its potential is something we must not abandon. Otherwise, in just a few decades, we might be purchasing our energy from abroad.

We must invest in those steps that will take us to commercial fusion energy production. Finally, Tokamak is connected to the international thermonuclear energy reactor, or ITER, which is based on the Tokamak concept. In order to produce the ITER, we must continue work on the Tokamak physics experiment, or TPX, at Princeton University.

The TPX will be an advanced fusion reactor that will be the first major fusion machine to operate continuously. For this country to maintain its global position in the fusion market, the Tokamak physics experiment must continue.

Mr. GALLO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER], who is very interested in this particular subject as a member of the Committee on Science, Space, and Technology.

Mr. ZIMMER. Mr. Chairman, this amendment is not about a simple budget cut. But rather it is about a choice—a choice between developing fusion as a viable commercial energy source or simply giving up.

The sponsor of this amendment says he supports fusion research, but his amendment would pull the plug on the only major fusion research project planned in this country.

He says he would like more money spent on alternative fusion research. So would I. But his amendment would not result in one additional cent going to alternative fusion research.

The need for a commercial fusion energy source is clear. Fossil fuels are exhaustible and cause pollution. Nuclear fission creates radioactive by-products that take literally eons to break down, creating serious disposal and nuclear proliferation problems. The public fear of a meltdown or a Chernobyl-type accident has prevented any new fission plants from being built here in decades. In contrast fusion energy has a nearly inexhaustible source of fuel and it will not cause meltdowns or result in by-products that can be used in nuclear weapons.

The goal of the Swett amendment is to eliminate funding for the Tokamak physics experiment called TPX. The TPX machine will be the first new fusion reactor built in the United States in 10 years.

Only the Tokamak approach, which uses superconductors to hold plasma in a doughnut shaped reactor vessel, is far enough along in the research and design process to even sustain a debt on whether or not its concept is commercially viable.

There is a consensus throughout the world's scientific community to focus development on Tokamak machines and, in fact, every major fusion reactor experiment in the world—including the international thermonuclear experimental reactor [ITER] project that the United States has been involved with since 1985—are Tokamaks.

So in truth, if the United States abandons our commitment to the Tokamak system it would be tantamount to abandoning virtually all our fusion energy research. The Europeans and the Japanese spend significantly more on fusion research than the United States and in many ways their machines are more advanced than ours. Building TPX would allow the United States to again be a real player in fusion; canceling it would greatly diminish our role in the process and it could kill any chance of siting ITER in the United States.

The TPX machine is specifically designed to complement the much larger ITER which the sponsor says his amendment will not touch. TPX will test the engineering and technology concepts necessary to develop a compact and economic commercial plant.

TPX will replace the enormously successful Tokamak fusion test reactor project which for the first time used a commercial-grade fuel, and exceeded expectations on every test. TPX will also be the first fusion reactor to operate continuously—a vital step in developing a self-sustaining fusion reaction.

Fusion is one of the most successful research endeavors ever undertaken by the United States. According to the magazine Science:

Despite * * * budget cuts, the fusion power record has quietly risen a million-fold over the last decade. Progress in fusion power, which has increased by a factor of 10 every 2 years for the past decade, exceeds even the much-touted improvements in computer memory chips, which have grown ten-fold in capacity every five years.

I would also like to quote from a letter received from David E. Baldwin, Associate Director of Lawrence Livermore National Laboratory.

In a recent "Dear Colleague" letter, Congressman Swett has quoted material developed here at Livermore to attack the Tokamak in the nation's magnetic fusion program. [This misconstrues both the content and intent of our work. We specifically recognized that the Tokamak had made great scientific strides and might, itself, be appropriate as a fusion reactor. Livermore supports the Tokamak program and to see our views used as an argument for abandoning that which is succeeding, the Tokamak, before it is tested is to truly misunderstand our intent.]

Supporters of this amendment are putting the proverbial cart before the horse. The Office of Technology Assessment is currently reviewing our fusion research priorities and is scheduled to present its findings this summer. Also, the chairman of the Science, Space and Technology Committee has introduced a bill to formally authorize the Department of Energy's fusion research program. The bill orders the National Academy of Sciences to conduct an independent evaluation of fusion technologies, including non-Tokamak systems.

We should support these studies, but we should not stop our fusion research in its tracks. Vote against the Swett amendment.

Mr. SWETT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Hampshire [Mr. SWETT] is recognized for 2½ minutes.

Mr. SWETT. Mr. Chairman, I want to reemphasize that we are in agreement with regard to the value of fusion research. This is one program within the fusion research programs that I believe is not going to pan out, is not going to become commercially viable.

Mr. Chairman, this amendment is about whether or not U.S. taxpayers should pay billions of dollars for commercial development of one particular fusion technology versus putting that money into basic research where we have hopefully a much greater chance of reaching a successful reward in the years ahead.

Let me read to my colleagues from a study known as the ARIES study from the Los Alamos National Laboratory.

I quote:

All of the Tokamak designs would not be competitive with respect to advanced light water fission reactors. The ARIES designs are uneconomic because the fusion power core is too massive and too expensive. Thermal conversion efficiency can be no better than for conventional fission or fossil power plants. Tokamak based power cannot use enhanced environmental safety and health merits to resolve the economic issue.

Mr. Chairman, this study should raise the red flag. This should help make it apparent that there is a problem with the direction of the current program. If the DOE were a business, these studies would constitute a clear message from the R&D development that the Tokamak has serious problems and further funds should not be spent on Tokamak until these problems have been worked out.

Beyond that, this is not the only Tokamak project that is currently being looked at.

We have the international project, the ITER, which is being funded as we speak. And that has the cooperation of the international bodies that are putting money into a large Tokamak project.

The science in this TPX follows on after that, and yet we have not even completed engineering nor sited the international Tokamak project.

I reiterate that the Swett/Shays/Peterson/Thurman amendment has been endorsed by scores of citizens and taxpayers, including the National Taxpayers Union, Friends of the Earth, Citizens Against Government Waste, the Sierra Club and many others. Congress has rejected this in previous years. I urge the Congress to do so again this year.

□ 1600

Mr. GALLO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong opposition to the Swett amendment.

Mr. Chairman, I rise today in strong opposition to the amendment offered by Representative DICK SWETT to strike the $66.7 million appropriation for construction of the Tokamak fusion experiment [TPX] at Princeton University in New Jersey. Unlike the previous amendment to strike the GT–MHR, the TPX has the full support of the Secretary of Energy, and it is the next vital step in development of a sound and practical U.S. fusion energy program.

Over the last year, the fusion program at Princeton University Plasma Physics Laboratory has achieved a series of milestones with its existing Tokamak fusion reactor, the TFTR. The achievements include a record energy burst of 9 million watts of fusion power using a commercial grade fuel mixture. Construction of the TPX will produce even greater results in a more compact fusion reactor unit.

The TPX is the next step to making fusion power a viable and cost effective commercial power option. Contrary to the arguments from the opponents of the TPX, fusion energy does not generate high level radioactive waste. The fuel supply is derived from ordinary water, and it is safe! Finally, development of reliable fusion power plants will help free our Nation from dependence upon foreign oil.

In conclusion, Mr. Chairman, the TPX is a scientifically-sound research program. It is safe. It is one of the very best long-term energy options for the future of the United States and the international community. I urge my colleagues to cast a vote for the future and reject the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I want to first of all congratulate the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] for a very, very fine bill.

Mr. Chairman, I rise today in strong opposition to the amendment offered by our colleague, Representative DICK SWETT, to eliminate $67 million in funding for construction of the Tokamak physics experiment [TPX] at Princeton University.

I understand where our colleague is coming from, for we are faced with a number of difficult choices in an effort to save money for the short term. But, the present energy situation has forced us into a sense of false security.

Since the 1980's, the world population has grown to 5 billion people. Population and economic aspirations of the developing world are the key ingredients fueling energy demand around the globe. By the middle of the next century, the world population is expected to double from 5 to 10 billion, and world energy demand is expected to triple. There is no doubt that the world will need an adequate supply of energy in order to accommodate this increasing demand.

To avoid environmental disaster from reliance exclusively on fossil fuels, new forms of clean and affordable energy need to be developed for the next century. In order to make the transition from a global energy system dominated by fossil fuel to one based on alternative and renewable energy sources, we must provide a broad range of technology options to energy producers and consumers. This requires an investment today in the development of alternative energy sources such as solar, wind, and fusion power as long-term options.

Fusion in one of the few environmentally sound long-term energy options that are capable of central station power generation. Fusion power is clean and does not generate high level radioactive waste products. Fusion reactors are inherently safe, with no possibility of meltdowns. The fuel for a fusion reactor comes from ordinary water. Therefore, there is no acid rain resulting from a fusion reactor.

Fusion has been the "Holy Grail" of energy sources. Since its inception in the 1950's, the Tokamak concept has proven to be the most effective confinement system. That is why our competitors, such as Japan, the European Community, and Russia have invested 50 percent more than the United States in fusion energy. These countries have continued to build new fusion machines and have made major upgrades to existing facilities.

The Tokamak fusion test reactor [TFTR] at the Princeton Plasma Physics Laboratory recently broke world records in the production of fusion power. The TFTR topped world records for achieving 9 million watts of fusion power in a single nuclear burst.

The U.S. participation in the development of fusion energy is part of a multilateral fusion research program, the international thermonuclear experimental reactor [ITER]. This program is an outstanding model of international cooperation on large, complex scientific and technical projects. The United States is collaborating and sharing costs with the European Community, Japan, and the Russian Federation.

In light of the recent historic breakthrough at Princeton University and our current involvement with the ITER, how can we now eliminate the fusion research program and renege on our international collaboration in the energy community? Obviously, we cannot; it would be terribly shortsighted.

The United States has not built a fusion test reactor in over 10 years. TPX will be unique among world fusion programs as the first alternative to the current generation of pulsed Tokamaks. TPX will be the first Tokamak in the world to operate continuously. This is the path to commercialization for fusion and the right choice for our country.

America cannot afford to be left behind. I urge my colleagues to reject the Swett amendment to delete $67 million in funding for the TPX.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, I rise in opposition to the Swett amendment.

Mr. Chairman, I rise today to express my strong opposition to the Swett amendment to H.R. 4506 and my support for the water resources and energy projects included in the fiscal year 1995 energy and water development appropriations bill. While I commend the gentleman from New Hampshire for his concern to reduce the size of our bloated Federal deficit, cutting fusion research at this critical juncture would be pennywise and pound foolish.

As I am sure my colleagues will recall, the world's record in fusion power production was set last December at the Princeton Plasma Physics Laboratory in my home State of New Jersey. The U.S. fusion program made scientific history when the Princeton Tokamak reactor produced more than 6 million watts of fusion power. For a few brief seconds, Lawrenceville, NJ, the site of the lab, was the hottest place in the solar system, even hotter than the core of the Sun. Only last month, this astounding record was surpassed by 50 percent when over 9 million watts of fusion power were generated.

By using for the first time a fuel mixture likely to be used in a commercial powerplant, these experiments are moving the Nation closer to practical fusion power. Continued research is crucial if we are ever to realize the full potential of fusion energy.

Mr. Chairman, New Jersey is the home to many great scientific firsts that have changed the world. They have included: the light bulb, the movie camera and projector, the transistor, the phonograph, the air-conditioner, and the solar photovoltaic cell, to name but a few. With the support of Congress, practical commercial fusion energy will someday be added to that list. I urge my colleagues to support fusion energy research by voting "no" on the Swett amendment.

Mr. Chairman, I also want to bring to my colleagues' attention my strong support for the Green Brook flood control project, which was included in H.R. 4506. This project was authorized by Congress under the Water Resources Development Act of 1986—Public Law 99–662, section 401. During the past 9 fiscal years, Congress has appropriated over $16 million for this project. In fiscal year 1986, Congress appropriated $484,000; in fiscal year 1987, $1.37 million; fiscal year 1988, $1.4 million; fiscal year 1989, $1.5 million; fiscal year 1990, $1.2 million; fiscal year 1991, $2 million; fiscal year 1992, $3.169 million; fiscal year 1993, $3.5 million; and fiscal year 1994, $2.8 million. For fiscal year 1995, I respectfully requested that the House Energy and Water Development Appropriations Subcommittee provide $2 million to continue the following tasks: preconstruction engineering and design—including hydraulic and hydrologic analysis; environmental investigations and data collection; topographic mapping; and layout of levee alignments. I am pleased that the Subcommittee has fully funded my request.

This project also has the support of the administration, which included $2 million in his fiscal year 1995 budget for this project. This represented the first time in 3 years this project was included in the President's budget. Furthermore, I was pleased to broker an agreement between the Green Brook Flood Control Commission and the Army Corps that affected this project. This agreement roughly stipulated that the upper portion of the project would be put on hold and work would be concentrated on the lower basin. In consideration for downsizing this project, the corps agreed to recommend this project for the fiscal year 1995 Clinton budget.

I would also like to take this opportunity to admonish the New York district of the Army Corps of Engineers for the slow pace of this project. Every year, we in Congress have done our part to provide the funding for this needed project, yet fruition of this project is still years away. I am growing increasing impatient with the lack of urgency accorded this project by the corps, and I am hopeful that corrective action, such as transferring this

project to the Philadelphia district, will not be necessary.

Finally, Mr. Chairman, although I am a supporter of this legislation, I was disappointed the restoration of the Robinson's Branch Reservoir Dam in Clark, NJ, was not included in this bill.

Robinson's Branch Reservoir is a small body of water in my congressional district that provides inland freshwater marsh, lake, and associated woodland habitat for an already documented 86 species of resident and migratory birds. The reservoir is a shallow tributary of the Rahway River, which feeds from the surrounding towns of Woodbridge and North Edison. Unfortunately, this 151-acre tract of land is maintained by a 95-year-old dam that does not meet the revised requirements of the Federal Dam Safety Act of 1976 regarding its ability to safely pass an anticipated worst-case-scenario flood flow.

At this time, the dam has been designated a high hazard by the Army Corps of Engineers and, if it failed, there would be a potential for loss of life downstream in the case of a storm of extreme magnitude, according to the New Jersey Department of Environmental Protection and Energy's Dam Safety Section. The dam does not have the spillway capacity to handle 20 inches of rainfall in 10 hours, as mandated by regulations pursuant to the act.

It would cost an estimated $1.5 million for the necessary improvements in order for this dam to comply with the act. To decommission the dam, the costs would exceed $2.6 million. Clearly, it is more cost-efficient and environmentally sound to upgrade this structure than to decommission the 95-year-old dam.

While the Robinson's Branch Reservoir and dam is currently owned by the Middlesex Water Co., its chairman of the board and president, J. Richard Tompkins, has stated his intension to deed property to the township of Clark for $1 should Federal funding be secured for the upgrade. The future maintenance of this dam and surrounding park land would be the responsibility of the township of Clark.

It is my understanding that the subcommittee did not reject this project on its merits, but rather because of a lack of authorization. As a member of the House Public Works and Transportation Committee, I may offer an amendment to the Water Resources Development Act of 1994 to authorize funding for this project, if the committee considers that legislation this year. I am hopeful that should Congress authorize this project, funding will be available for it next year.

Mr. Chairman, these projects, and the others included in H.R. 4506 are vital to our Nation. For that reason, I urge my colleagues to support H.R. 4506 and oppose any weakening amendments.

Mr. GALLO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise in strong opposition to the amendment. I want to cut spending, wasteful spending, just as much as anyone in this House. However, we also have to invest in our future.

The Tokamak fusing project offers the best hope for the Nation and the world to provide an abundant, clean source of energy and rid us of dependence upon foreign oil. Tokamak has met every milestone, both financial and timewise, that it has established.

When we talk about costs, remember those rising oil prices during Operation Desert Storm? The total cost to our Nation's economy from Desert Storm alone by those rising oil prices exceeded the entire cost of the Tokamak project.

Do Members want American jobs in the 21st century? We have to be the leaders in world technology in the most vital area of the worlds' economy, and that is energy. Tokamak gives us the opportunity to do that.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in opposition to the Swett amendment.

The United States requires a national energy strategy which emphasizes our need for greater energy independence. Implementation of such a strategy will decrease U.S. demand for oil while increasing development of our domestic energy sources.

For this reason, I do not support the amendment offered by Congressmen SWETT. This amendment would strike funding for the Tokamak physics experiment, commonly known as TPX. This device is vital for the continued exploration of advanced, superconducting fusion technology.

Fusion energy is one of the long-term energy options for the future. The fuel for this energy source is water. This means that it is an inexhaustible resource which is safer and cleaner to produce than any of the energy resources we currently possess.

One of the leading developers of this technology, general atomics is located in southern California. Loss of this program would mean the end of the road for the evolution of TPX technology and would mean the loss of jobs for people in my district who are dedicated to exploring this vital energy resource.

The United States is a leader in the production of fusion technology. The successful production of fusion devices known as Tokamaks has allowed this country to produce more fusion energy than any other country in the world. The TPX Program represents a first step toward the commercial development of this most vital energy resource.

I urge my colleagues to consider the impact this technology will have for this country's economic prospects and long-term prosperity. Our continued preeminence in the world arena is bolstered by greater energy independence and technological prominence. I urge defeat of this amendment.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Hampshire [Mr. SWETT].

Fusion energy is one of the very few long-term energy options we have. In the next 30 years, the population of the world is expected to increase from 5 billion people in 1993 to over 9 billion people. World energy needs will triple. In order to meet those needs without inviting an environmental catastrophe by overusing fossil fuels, we must find a clean mix of energy sources—including solar, renewables, and fusion energy.

Fusion power may be the most challenging and ambitious scientific endeavor we have ever undertaken. It is also, potentially, one of the most important. If we can achieve the ability to produce energy from the clean and abundant fuels used in fusion reactors, we will take a significant step to assure our national environmental and energy security.

Some of my colleagues who support this amendment oppose Tokamak technology as the main vehicle for fusion research. They think our fusion program should be more diversified. Over the past 40 years, however, there has been a vigorous scientific competition within international fusion programs to develop the most cost-effective methodology to harness fusion energy. The Tokamak concept has proven to be the most effective confinement system and all major fusion programs around the world are investing in Tokamaks as the primary vehicle to develop fusion power. I believe it would be a mistake for Congress to reject such an international scientific consensus.

Fusion research is a highlight of large international scientific cooperative programs. For instance, the international thermonuclear experimental reactor [ITER]—one target of this amendment—is a multilateral fusion research program in which the United States is collaborating and sharing costs with the European Community, Japan, and the Russian Federation, the model we want to follow. ITER engineering design activities was signed by the four parties. This protocol allows the project to proceed with completion of design activities. It is essential that the United States be considered as a reliable partner in projects such as this. Passage of this amendment could jeopardize our participation in the ITER project. The Tokamak physics experiment [TPX] is an important complement to this international collaboration and will place U.S. industry in a competitive position to bid on ITER and build fusion powerplants in the future.

It is our responsibility to provide future generations with a fusion energy option. I urge my colleagues to vote against the Swett amendment.

Mr. GALLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, as one of the two scientists in the Congress, I rise in strong opposition to the amendment offered by my distinguished colleague, the gentleman from New Hampshire [Mr. SWETT], which would do great harm to a very important scientific and national security interest program.

Mr. GALLO. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, during the energy crisis of the 1970's and the Persian Gulf war of the 1980's there was not a Member of this House who did not stand in this well and vow to change America's future, to answer our dependencies with science and with research. That will not be done with words, Mr. Chairman. Our future will be secured with science.

Mr. Chairman, this vote is about that confidence, that American willingness to take risks, and yes, even if the rewards are not for the next generation, even if they are a generation away, to care enough about this future of this country to make that investment. That is the choice before this House.

Mr. GALLO. Mr. Chairman, to close out debate on this issue, I yield 30 seconds to the gentleman from Alabama [Mr. BEVILL], the distinguished chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment, and I urge that we vote it down.

For the long term, the Nation needs to diversify energy sources. Fusion energy plays an important role in the Nation's long-term energy strategy and needs to be strongly supported.

The Tokamak physics experiment [TPX], which will be located at Princeton University, will be the focal point for the domestic fusion research program to make major improvements over today's designs.

The purpose of TPX is to develop the scientific basis for an economical, more compact, and continuously operating fusion design needed for the next step to develop a fusion demonstration power plant.

TPX's mission is complementary to that of the international thermonuclear experimental reactor [EATER] project which is part of an international effort of the United States, Europe, Japan, and Russia aimed at producing over 1 billion watts of power and the testing of fusion components.

I urge a "no" vote on the amendment.

Mr. MINETA. Mr. Chairman, I rise today in opposition to the amendment being offered by my colleague from New Hampshire.

Mr. Chairman, one of the most pressing problems our Nation will face in the next century is the need for adequate supplies of energy.

As our demand for energy continues to increase, the finite supplies we depend on continue to decrease. Unless we begin to develop alternative sources of energy now, we cannot expect to have adequate supplies in the future.

For this reason, it is essential that we continue the development of renewable sources of energy such as solar and wind.

It is equally important that we pursue the development of fusion energy. Fusion holds the potential for an inexhaustible, clean-burning source of energy that will help meet our demand in the 21st century.

While we all must be concerned about cutting the deficit and getting the most for our money, it does not make any sense to be penny-wise and pound-foolish.

The Tokamak physics experiment is an essential step in the development of fusion energy, and it is an investment we must be willing to make.

I urge my colleagues to defeat the Swett amendment.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from New Hampshire [Mr. SWETT].

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; purchase of passenger motor vehicles (not to exceed 11 for replacement only), $73,210,000, to remain available until expended: *Provided*, That revenues received by the Department for residual uranium enrichment activities and estimated to total $9,900,000 in fiscal year 1995, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than $63,310,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $301,327,000 to be derived from the fund, to remain available until expended.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), $989,031,000, to remain available until expended: *Provided*, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $304,800,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $6,000,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That of the amount herein appropriated, not more than $8,500,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, $11,600,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 104, of which 103 are for replacement only, including 22 police-type vehicles), $3,164,369,000 to remain available until expended, of which

$20,765,000 shall be available only for program activities at the University of Rochester, Rochester, New York; and $8,750,000 shall be available only for program activities at the Naval Research Laboratory, Washington, District of Columbia.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 87 of which 67 are for replacement only including 6 police-type vehicles), $5,128,211,000, to remain available until expended: *Provided*, That funds previously made available under this head in the Energy and Water Development Appropriations Act, 1992, to assist the State of New Mexico and affected local governments in mitigating the impacts of the Waste Isolation Pilot Plant are available for any authorized purposes under this head.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,879,204,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $129,430,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $407,312,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $161,490,000 in fiscal year 1995 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1995 so as to result in a final fiscal year 1995 appropriation estimated at not more than $245,822,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,465,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $6,494,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the purchase, operation and maintenance of two rotary-wing aircraft for replacement only, and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1995, no new direct loan obligations may be made.

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $485,000.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $22,431,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $21,316,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $3,935,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $224,085,000, to remain available until expended, of which $202,512,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, within available funds, $5,135,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,472,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $166,173,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $166,173,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1995, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $187,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,933,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the

79-059 O—97 Vol. 140 (Pt. 9) 30

administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91–407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $540,501,000, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $518,501,000 in fiscal year 1995 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1995 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,080,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1995 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1995 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102–486, section 802, $1,000,000 to be derived from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $136,856,000, to remain available until expended.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 34, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 34, after line 14, insert the following new title:

TITLE V—GENERAL PROVISIONS

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 501. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, we have no objection to the amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the author has discussed this amendment with the Republicans, and we have no objection.

Mr. TRAFICANT. Mr. Chairman, I thank the committee. We have a fine bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, some months ago when the House ran into terrible tragedies in the Midwest with the flooding and with earthquakes in Los Angeles, we came to the point that the only way we could handle these matters was by passing emergency supplementals, which meant, of course, add-on spending.

At that point, a number of us felt that the House ought to prepare itself better for those kinds of contingencies by setting aside money as part of the regular appropriations process, and thereby assuring that money was consistently available when emergencies arose.

Mr. Chairman, I have an amendment that I would like to offer later on, that would be subject to a motion to rise, that essentially gets us to that point. What my amendment would do is set aside 1 percent of this bill, and then my hope would be to offer it on other appropriations as well, to set aside 1 percent of the appropriations to be used for emergencies, should emergencies arise.

If the emergency did not take place, the money would remain available to be committed by those agencies. However, once we got to an emergency under this approach, the President

would have the ability to reach into these accounts and get the money that is needed to meet the emergency needs.

Mr. Chairman, it seems to me that that is planning much more in the way that families plan, that they set aside some rainy day funds in case there is something that happens which is bad.

Mr. Chairman, this House should move in that direction as well. What I would like to see is us move to do that kind of thing. As I say, Mr. Chairman, under this amendment it would be subject to a motion to rise, so I will have to be cognizant of the will of the House on that particular matter, but I am hopeful that the House will at some point look toward this as a way of dealing with this whole problem of national emergencies in a way that does not force us to constantly come up with supplemental appropriations in emergency circumstances.

□ 1610

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I think we all certainly concur and agree that something has to be done. This frequency of national disasters is happening rather regularly now. We have always come through, but it comes out of the hide of the American taxpayers every time because we are never prepared for it. We always go off budget in emergencies. We are not opposed to helping people. We have discussed this in the past. Something has to be done.

Mr. Chairman, I would point out two things: First, I understand the Speaker is appointing, if he has not already, a task force to study this issue. Something like this has to be done, but it possibly ought to be done through budget resolution rather than through each appropriations bill, would be a more reasonable place. Everyone would agree, but I think this is probably not the right vehicle.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman's statement. There are a number of ways of addressing this. The budget resolution would be another one. The fact is each year, we fail to take the action and then we are faced with emergency supplementals. As the gentleman well knows, the problem with the emergency supplementals is they have gotten to the point where we not only spend the money for the emergency but then we do some add-on kind of things that have absolutely nothing to do with the emergencies. I have not forgotten last year when we had the Midwest flood money up here and we added on a section to pay people for good grooming in Los Angeles. We cannot do this kind of thing over a long period of time without it having a very detrimental impact. This would be a far better way to go, I think, for the country as a whole to set aside the money in advance for emergencies that we know are probably going to arise.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will continue to yield, each time we bring up the issue, yes, we want to help, but let us pay for it. Let us offset spending someplace else just as the gentleman and I have to do or every other business has to do when emergencies come up.

We are constantly here saying, "Yes, we agree, but not now, sometime later." I completely agree, I think most of us do agree, we need to do something, but the vehicle, there ought to be a study, hopefully the Speaker has appointed that task force.

Mr. WALKER. Mr. Chairman, the gentleman is right.

That would be the far better way to do it. Otherwise we have to do it on each appropriation bill. If we did it as part of the budget resolution, that would be the best way to handle the matter. Until we get to that point, we may have to look at this kind of mechanism.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 1995."

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 393, nays 29, not voting 12, as follows:

[Roll No. 235]

YEAS—393

Abercrombie	Cramer	Hamburg
Ackerman	Cunningham	Hamilton
Andrews (ME)	Darden	Hansen
Andrews (NJ)	de la Garza	Harman
Andrews (TX)	Deal	Hastert
Applegate	DeFazio	Hastings
Archer	DeLauro	Hayes
Bacchus (FL)	DeLay	Hefley
Bachus (AL)	Dellums	Hefner
Baesler	Derrick	Herger
Baker (CA)	Deutsch	Hilliard
Baker (LA)	Diaz-Balart	Hinchey
Ballenger	Dickey	Hoagland
Barca	Dicks	Hobson
Barcia	Dingell	Hochbrueckner
Barlow	Dixon	Hoekstra
Barrett (NE)	Dooley	Hoke
Barrett (WI)	Doolittle	Holden
Bartlett	Dornan	Horn
Barton	Dunn	Houghton
Bateman	Durbin	Hoyer
Becerra	Edwards (CA)	Huffington
Beilenson	Edwards (TX)	Hughes
Bentley	Ehlers	Hunter
Bereuter	Emerson	Hutchinson
Berman	Engel	Hutto
Bevill	English	Hyde
Bilbray	Eshoo	Inhofe
Bilirakis	Evans	Inslee
Bishop	Everett	Istook
Blackwell	Ewing	Jefferson
Bliley	Farr	Johnson (CT)
Blute	Fazio	Johnson (GA)
Boehlert	Fields (LA)	Johnson (SD)
Bonilla	Fields (TX)	Johnson, E. B.
Bonior	Filner	Johnson, Sam
Borski	Fingerhut	Johnston
Boucher	Fish	Kanjorski
Brewster	Flake	Kaptur
Brooks	Foglietta	Kasich
Browder	Ford (MI)	Kennedy
Brown (CA)	Ford (TN)	Kennelly
Brown (FL)	Fowler	Kildee
Brown (OH)	Frank (MA)	Kim
Bryant	Franks (CT)	King
Bunning	Franks (NJ)	Kingston
Burton	Frost	Kleczka
Buyer	Furse	Klein
Byrne	Gallegly	Klink
Callahan	Gallo	Kolbe
Calvert	Gejdenson	Kopetski
Camp	Gekas	Kreidler
Canady	Gephardt	Kyl
Cantwell	Geren	LaFalce
Cardin	Gibbons	Lambert
Carr	Gilchrest	Lancaster
Castle	Gillmor	Lantos
Chapman	Gilman	LaRocco
Clay	Gingrich	Laughlin
Clayton	Glickman	Lazio
Clement	Gonzalez	Leach
Clinger	Goodlatte	Lehman
Clyburn	Goodling	Levin
Coleman	Gordon	Levy
Collins (MI)	Goss	Lewis (CA)
Combest	Grandy	Lewis (FL)
Condit	Green	Lewis (GA)
Cooper	Greenwood	Lewis (KY)
Coppersmith	Gunderson	Lightfoot
Costello	Gutierrez	Linder
Cox	Hall (OH)	Lipinski
Coyne	Hall (TX)	Livingston

Lloyd	Pastor	Smith (NJ)
Long	Payne (NJ)	Smith (OR)
Lowey	Payne (VA)	Smith (TX)
Lucas	Pelosi	Snowe
Machtley	Penny	Spence
Maloney	Peterson (FL)	Spratt
Mann	Peterson (MN)	Stark
Manton	Pickett	Stearns
Manzullo	Pickle	Stenholm
Margolies-Mezvinsky	Pombo	Stokes
	Pomeroy	Strickland
Markey	Porter	Studds
Martinez	Portman	Stupak
Matsui	Poshard	Swett
Mazzoli	Price (NC)	Swift
McCandless	Pryce (OH)	Synar
McCloskey	Quillen	Talent
McCrery	Quinn	Tanner
McCurdy	Rahall	Tauzin
McDade	Rangel	Taylor (MS)
McDermott	Ravenel	Taylor (NC)
McHale	Reed	Tejeda
McInnis	Regula	Thomas (CA)
McKeon	Richardson	Thomas (WY)
McKinney	Ridge	Thompson
McMillan	Roberts	Thornton
McNulty	Roemer	Thurman
Meehan	Rogers	Torkildsen
Meek	Rohrabacher	Torres
Menendez	Ros-Lehtinen	Torricelli
Meyers	Rose	Towns
Mfume	Rostenkowski	Traficant
Mica	Roukema	Tucker
Michel	Rowland	Unsoeld
Miller (CA)	Roybal-Allard	Upton
Mineta	Rush	Valentine
Mink	Sabo	Velazquez
Moakley	Sanders	Vento
Molinari	Sangmeister	Visclosky
Mollohan	Santorum	Volkmer
Montgomery	Sarpalius	Vucanovich
Moorhead	Sawyer	Walker
Moran	Saxton	Walsh
Morella	Schaefer	Watt
Murphy	Schenk	Waxman
Myers	Schiff	Weldon
Nadler	Schroeder	Whitten
Neal (MA)	Schumer	Williams
Neal (NC)	Scott	Wilson
Nussle	Serrano	Wise
Oberstar	Sharp	Wolf
Obey	Shaw	Woolsey
Olver	Shepherd	Wyden
Ortiz	Shuster	Wynn
Orton	Sisisky	Yates
Owens	Skaggs	Young (AK)
Oxley	Skeen	Young (FL)
Packard	Skelton	Zimmer
Pallone	Slaughter	
Parker	Smith (IA)	

NAYS—29

Allard	Grams	Petri
Armey	Hancock	Ramstad
Boehner	Inglis	Roth
Coble	Jacobs	Sensenbrenner
Collins (GA)	Klug	Shays
Crane	Knollenberg	Smith (MI)
Crapo	McCollum	Solomon
Dreier	Miller (FL)	Stump
Duncan	Minge	Zeliff
Fawell	Paxon	

NOT VOTING—12

Collins (IL)	Murtha	Sundquist
Conyers	Reynolds	Washington
Danner	Royce	Waters
McHugh	Slattery	Wheat

□ 1634

The Clerk announced the following pair:

On this vote:

Mr. Slattery for, with Mr. McHugh against.

Mr. MILLER of Florida changed his vote from "yea" to "nay."

Mr. UPTON and Mr. FIELDS of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McHUGH. Mr. Speaker, after 3:30 p.m. today, it will be necessary for me to attend and testify at an official public meeting conducted by the U.S. Air Force in Plattsburgh, NY, relative to the closing of Plattsburgh Air Force Base.

If I were present and voting, I would vote as follows: "No" on final passage of H.R. 4506, Energy and Water Development appropriations for fiscal year 1995.

□ 1640

FLAG DAY, JUNE 14, 1994

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, today, the 14th of June, 1994, is Flag Day, as well as the 180th anniversary of the "Star Spangled Banner," and the 15th anniversary of the "Pause for the Pledge."

At 7 p.m., by a Joint Resolution of the Congress, all Americans should pause to pledge allegiance to the flag. It is an act of patriotism, started in Maryland and supported by the Congress which encourages all Americans to think of what that "Star Spangled Banner" has meant to generations of Americans.

There is a long history of Maryland's proprietary interest in the stars and stripes—Mary Pickersgill's needlework gave us the flag that flew over Ft. McHenry. The very flag that inspired Francis Scott Key to write of it still gleaming in the dawn's early light. The flag which is still on display at the Smithsonian. Barbara Fritchie's heroic stance—protecting the flag from Southern troops at Frederick during the Civil War—was recorded for posterity by John Greenleaf Whittier.

It is an ancient tradition to celebrate a nation with a standard. Prehistoric excavations have documented the display of banners in the earliest of civilizations, identifying their country, hearalding their sovereignty.

The flag which we salute today came into being in 1818, when President Monroe designated 13 stripes, one for each of the original colonies—instead of the 15 shown in the Ft. McHenry flag—assigning one star for each State—allowing for new States to be recognized as they entered the Union.

The name "Old Glory" began to be spread when a mother stitched together a flag for her son, a ship's captain named William Driver. When he raised it above his first command, he told his sailors, "This is Old Glory, boys."

So Old Glory sailed the world until Captain Driver retired in the late 1850's to his hometown of Nashville, TN. When the Civil War broke out, the captain sewed Old Glory up in his mattress cover to protect it from being seized by Confederate troops.

Toward the end of the war, when the Union Army broke through to liberate the city, Captain Driver took the flag out and flew it over his house to welcome the Army. The Union soldiers were so excited at seeing one of their flags, they took up the cry that it's Old Glory and spread the story of the flag and its name across the country as they returned home after the victory.

To every citizen of this country, the flag has a unique meaning. In 1992, the former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, spoke about the meaning it had to him—as a soldier. He suggested it "captures the soul of a nation and its people."

That it absorbs "the blood of patriots into its crimson stripes."

But, when carried into battle, when flown over the Capitol of the United States or over any public building, it is a sign of the sovereignty of this Nation. Of the power of the American people over their own destiny.

It carries the hope of freedom to all of the oppressed in the world. I have been told by refugees—from behind the old Iron Curtain—of how, when they finally reached the refuge of an American Embassy, looking up at the Stars and Stripes, they fell to their knees—thanking God for all it represented to them.

We must never forget what this wonderful banner means to the image of freedom around the world. It represents the land of the brave and the free to millions of the oppressed.

In the current times it is a real worry to me that this flag and what it represents is threatened by preemption by the flag of the United Nations. That our men and women should serve under a flag other than their own—leaders other than their own—representing nations other than their own should not be happening by a mere expansion of actions taken during the Gulf war.

As we pause for the pledge tonight—let us each and every one think deeply—about what these actions will mean to this Nation and to this flag in the future. The passing of this power should not be made lightly—and the preeminence of the stars and stripes above our troops and their commanders should not be given up.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 446

Mr. McKEON. Madam Speaker, I ask unanimous consent that the name of the gentleman from Ohio [Mr. HALL] be removed as a cosponsor of House Resolution 446. His name was erroneously added to the list of cosponsors submitted on June 8, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INSURANCE REFORM AND UNIVERSAL COVERAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 30 minutes as the designee of the majority leader.

Mr. MCDERMOTT. Madam Speaker, as you know, I have made an effort to talk to my colleagues almost every week about key issues in health care reform and to explain how these issues will affect the American people directly—in plain terms that everyone can understand.

I have spoken previously on why every American needs universal health insurance, not just the uninsured. And I have spoken on why system-wide managed care is the wrong approach to health care reform. I will speak on both of those issues again.

Tonight I want to talk about a proposed compromise in health care reform that is being widely discussed in the media—because I believe that the American people are being very much misled on the workability of this compromise.

This compromise is like the emperor's new clothes. There are a lot of people admiring the silk, but in reality, there is nothing there.

I am talking about the idea of just doing, quote, "insurance reform" and dealing with universal coverage later.

Well, there is one problem with that. Insurance reform only works if you have universal coverage guaranteed. If you do insurance reform without universal coverage, the result is that the price of insurance premiums go up, period. Employers stop offering insurance because the price is too high, and people lose insurance rather than gaining it.

This is not just theory. It has happened in the real world. In New York State, in an attempt to improve access to coverage by the middle class employed, instituted community rating and eliminated the preexisting condition exclusion. In other words, it became illegal to exclude people from insurance if they already had a physical problem or illness. But New York did not require universal coverage.

And what was the result? Insurance premium prices escalated, employers dropped insurance, and after the insurance reform, they have more uninsured people in New York than they did before insurance reform.

Why? Because all the young healthy people left the insurance pools when community rating came in. This made the insurance pools even more expensive, causing a death spiral of higher premiums, people unable to afford insurance unless they know they will use it, and ever-worsening insurance pools which in turn become more expensive.

The only way to prevent this is to do universal coverage first or simultaneously with insurance reform. Then the insurance pools stay mainly healthy and insurance premiums have at least some possibly of becoming affordable.

Insurance reform without universal coverage is a sham! It will give Americans the illusion that we have done something for them on health care reform, when in fact we will have made matters worse.

What could be worse than enacting reform that will cause people to lose their health insurance coverage? And that's exactly what insurance reform without universal coverage will do. Mr. Speaker, I urge my colleagues to reject out of hand such proposals. The American people will figure this out in a very short amount of time and they will come looking—with great justification—for the culprits who did it.

There is another concept being floated as a potential compromise that is equally ludicrous. In fact, I saw the distinquished Senate minority leader, Mr. DOLE, advocating this in a television commercial on health care reform.

And that is the notion of giving Americans, quote, "portability" without universal coverage. Now, I've been working on health care reform for 30 years and I cannot for the life of me figure out what portability without universal coverage is.

Portability means that you can take your health insurance with you wherever you go no matter how your employment or personal situation changes.

How can you do that if there is no universal coverage? What is the vehicle, the mechanism of portability? What are they saying? That if you lose your job or move, they'll let you buy your own insurance at full price in the individual market? Most Americans have the right to do that now. They don't need a new law to do that. The reason they don't do it is because they can't afford to do it.

You don't have portability if you leave a job that has insurance and your next employer doesn't offer it.

You don't have portability if you get divorced and are no longer on your spouse's insurance policy and have to pay for insurance yourself.

You don't have portability if your spouse dies.

You don't have portability if you move or change jobs or lose a spouse that carried insurance when family health policies today cost $5,000 to $6,000 a year.

If you don't have a system that guarantees you coverage and a way to pay for it, you don't have portability, period.

Now, it's time to stop throwing words at the American people and pretending that words are solutions.

The American people are not fools and they know that some shortcuts are more trouble than they are worth. We can't take shortcuts on health care reform.

We can't take shortcuts—not because it would be immoral or inhumane or undemocratic. We can't take shortcuts because they simply won't work. We must have universal coverage because you can't get insurance reform or portability or cost-containment without it. Health care reform without universal coverage simply is not worth doing. In fact, it will probably make matters worse.

Madam Speaker, I am concerned that we are conveying the impression that health care reform is just too hard to do. This is unworthy of the American people.

When we look around the world and the events of the last few years, we see historical developments of almost biblical proportions. The Berlin wall has come down and Russia is a struggling democracy.

Unbelievably, South Africa has ended apartheid and has completed its first nationwide democratic election.

Our fellow industrialized countries are climbing—and scaling—the Mount Everests of political challenges. Compared to the challenges these nations have embraced, the difficulty of reforming our health care system so that we can finally get everyone into the system is so small. It is not Mount Everest. It is not even a hill.

We are the greatest Nation in the history of the world. We are the richest and we are the most democratic.

To say that we cannot do something as relatively simple as get all our citizens in the largest health care system in the world in less time than it took for de Klerk to end apartheid or Gorbachev to bring down the Berlin wall is unworthy of the American people.

Since when are the American people so weak or so small that we cannot meet our own challenges?

We have witnessed ordinary people around the world in the transformations of recent years and weeks rise to the stature of giants. The American people are every bit their match and we should never concede otherwise.

Universal coverage is the house of health care reform. We all know that it is better to own your own home than to rent an apartment. But what usually keeps people from buying their own homes? The downpayment.

We have to come up with a downpayment—the way to get into the house—or, as a nation, we will just have to keep on renting this inadequate and over-priced apartment.

An apartment that is too small, that doesn't suit our needs, that drains our

resources and keeps us from ever being able to afford the house.

So how do we get into the house? There is no question that the cheapest, the quickest, the most efficient way to get into the health care house is through single-payer reform.

This is the way every other country in the industrialized world got into the house, and they are living there much more comfortably than we are in our poor apartment.

Single-payer is the way to absolutely guarantee 100 percent universal coverage within 1 year. Even Senator DURENBERGER, who is not a single-payer supporter, acknowledged that only single-payer could achieve full universal coverage with every "i" dotted and every "t" crossed.

Only single-payer guarantees unrestricted free choice of provider and eliminates insurance company interference in the physician-patient relationship. Only single-payer guarantees that you can have a lifetime relationship with your doctor if that is your choice.

Only single-payer provides complete benefits including preventive care, all outpatient and hospital services, prescription drugs, children's dental care, mental health services, and comprehensive long-term care. It takes care of the coverage part of universal coverage.

How is single-payer able to do all this? Very simply.

If Americans paid their health insurance premiums to a single national health security fund instead of to all their different insurance companies, and then that single national fund reimbursed health care providers directly for their services the way insurance companies do now, we would save enough money on insurance administration to pay for universal coverage and comprehensive benefits for all Americans.

With single-payer, we get to universal coverage immediately. So don't let anyone tell you we have to phase it in over 5 years, or to the end of the century, or beyond.

We don't need to wait that long. And remember, every year we postpone it, we lose money because we can't control costs. Every year it will cost more to fix the problem. Every year more people will lose their insurance and we will all have more to worry about.

And every year universal coverage is delayed, the chances are greater that something will intervene in Congress to just keep on pushing it back. We will simply lose it.

We can have universal coverage by 1997, and the American people should settle for no less.

I urge all of you who want the guarantee of universal coverage for yourselves and for your families to insist on universal coverage by 1997 so that we can finally move into the house that will give us security for the future.

□ 1700

THE BIBLE

The SPEAKER pro tempore (Ms. LAMBERT). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Madam Speaker, I do not want to be too satirical or sarcastic here, because my intent is serious. But just for the sake of capturing your attention and the attention of the 1,200,000 or 1,300,000 good caring Americans who follow the proceedings of this House electronically or those who go to their public libraries a week hence and look at the written transcript of these proceedings, I am tempted to be mirthful at the beginning and point out that I have come across a shocking example of the violation of the wall of separation between church and state, something that is so horribly politically incorrect that I called it to the attention of my colleagues and all of the distinguished men and women of the other body, the U.S. Senate.

Madam Speaker, our tax dollars have been spent to create a religious book, a religious bible of Christians, not even the Old Testament, but just the New Testament, the written words of Matthew, Mark, Luke and that fourth one, the youngest one who had the effrontery to show up at the crucifixion of his Lord and leader, Jesus Christ. This is a tiny New Testament, and it was put in my hand in the American cemetery on the bluff above Omaha Beach at the Colleville-sur-Mer, that unbelievably tranquil spot of American soil 172 acres given to us forever by the government and grateful invasion of France.

This little Bible says on its cover, with the beautiful golden emblem of the patch that General Eisenhower had designed in early 1944 for the SHAEF headquarters, the Supreme Headquarters of the Allied Expeditionary Force to liberate Europe from the Nazi jackboots of Adolf Hitler, it says that this New Testament is a commemorative edition for the Normandy invasion 50th anniversary.

I looked at this and realized that this was taxpayer money going for this Christian endeavor. I looked at the back page. It said, "Everything in the scriptures is God's word." Second Timothy, 3:16.

And then I opened it up and was I ever shocked at the political incorrectness of President Franklin Delano Roosevelt, because I realized that this commemorative edition was a perfect replica of the 1941 edition. And there is a letter from the Chief Executive, the White House, Washington, dated January 15, 1941, that is only 5 days into FDR's third term, the only President to ever run for or get elected to a third term, the first President sworn in on January 20, because his first two terms, as it had been all the way back to our second President, Presidents were sworn in on March 4. This Congress moved it because the delay was too great between the election date and the inauguration so they moved it up to January 20, 1941.

Five days later, the draft had only been in existence for 2 years, passed by one vote, one vote in this Chamber. That one vote also encouraged the Japanese to attack Pearl Harbor at the end of 1941.

So here is Roosevelt, writing to every single young member of the armed services before we were in the war 10 months later. Listen to what he says. This is shocking, Madam Speaker.

"To the Armed Forces:

"As Commander-In-Chief I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries men of many faiths"—he forgot to say women—"men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul.

"Very sincerely yours, Franklin Delano Roosevelt."

Of course, Madam Speaker, I love this, I will be doing this on Cal Thomas' show tonight nationwide on CNBC. What have we lost in the heritage of our country?

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4556, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–546) on the resolution (H. Res. 454) waiving certain points of order against the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

Mr. MCHUGH (at the request of Mr. MICHEL), after 3:30 p.m. today, on account of his participation in a public hearing on the planned closing of the Plattsburgh Air Force Base.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TALENT) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 5 minutes each day, on June 15, 16, and 17.

Mrs. BENTLEY, for 5 minutes, today.

(The following Member (at the request of Mr. MCDERMOTT) to revise and extend his remarks and include extraneous material:)

Mr. HUTTO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TALENT) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. HASTERT.

Mr. GUNDERSON.

Mr. DORNAN.

Mr. HORN in three instances.

Mr. TAYLOR of North Carolina.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. POSHARD.

Mr. COPPERSMITH.

Mr. KLEIN.

Mr. FINGERHUT.

Mr. TRAFICANT.

Mr. NEAL of Massachusetts in two instances.

Mr. SWIFT.

Mr. SERRANO.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. ROBERTS.

Mr. SOLOMON.

Mr. SWETT.

Mr. FRANKS of New Jersey.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians; to the Committee on Natural Resources.

ADJOURNMENT

Mr. DORNAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.) the House adjourned until Wednesday, June 15, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3366. A letter from the Secretary of Health and Human Services, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of Health and Human Services, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3367. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–272); to the Committee on Appropriations and ordered to be printed.

3368. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's Defense Manpower Requirements Report for fiscal year 1995, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on Armed Services.

3369. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Audit of the District of Columbia Public Schools' Central Investment Fund [CIF]—An Off Budget Discretionary Revenue and Spending," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3370. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3371. A letter from the Secretary of Education, transmitting notice of Final Funding Priorities—Knowledge Dissemination and Utilization Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3372. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 94–19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3373. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1994, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3374. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Brian J. Donnelly, of Massachusetts, to be Ambassador to Trinidad and Tobago, also by Clay Constantinou, of New York, to be Ambassador to Luxembourg, and Elizabeth Frawley Bagley, of the District of Columbia, to be Ambassador to the Republic of Portugal, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3375. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled, "Federal Employee Mileage Reimbursement Act of 1994"; to the Committee on Government Operations.

3376. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's views on H.R. 518, the "California Desert Protection Act of 1994" as reported by the Committee on Natural Resources; to the Committee on Natural Resources.

3377. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, "Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act"; to the Committee on Natural Resources.

3378. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "Rail-Highway Grade Crossing Safety Act of 1994"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3379. A letter from the Chairman, United States Securities and Exchange Commission, transmitting a draft of proposed legislation entitled, "Securities and Exchange Commission Authorization Act of 1994," pursuant to 31 U.S.C. 1110; jointly to the Committees on Energy and Commerce and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Rules. House Resolution 454. Resolution waiving certain points of order against the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–546). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2680. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions, with an amendment; referred to the Committee on Government Operations for a period ending not later than August 12, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 103–547, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. GUNDERSON (for himself and M. PETRI):

H.R. 4575. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, WI, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 4576. A bill to designate the Federal building located at the northeast corner of

the intersection of 14th Street and Independence Avenue, SW., in Washington, DC, as the "Jamie L. Whitten Federal Building"; to the Committee on Public Works and Transportation.

By Mr. TRAFICANT:

H.R. 4577. A bill to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, KY, as the "William H. Natcher Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mrs. ROUKEMA, Mr. FRANK of Massachusetts, and Mr. KENNEDY):

H.R. 4578. A bill to amend the Stewart B. McKinney Homeless Assistance Act to revise and extend programs providing urgently needed assistance for the homeless, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Ways and Means.

By Mrs. CLAYTON (for herself, Mr. CLYBURN, and Mr. THOMPSON):

H.R. 4579. A bill to amend Title V of the Housing Act of 1949 to make necessary reforms to the Section 515 Rural Housing program; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Ms. KAPTUR:

H.R. 4580. A bill to establish the Geno Baroni Commission on Neighborhoods and provide for a White House Conference on Neighborhoods, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

425. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to Pease Air Force Base; to the Committee on Armed Services.

426. Also, memorial of the House of Representatives of the State of New Hampshire, relative to the Federal Mandates Relief Act of 1993; to the Committee on Government Operations.

427. Also, memorial of the House of Representatives of the State of New Hampshire, relative to campaign spending and unalterable records of proceedings; to the Committee on House Administration.

428. Also, memorial of the House of Representatives of the State of New Hampshire, relative to urging the President and the Congress to have the remains of certain Native Americans, including those of Chief Passaconaway of Penacook, returned from France to the United States of America; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. MANN, Mr. SAXTON, and Mr. GLICKMAN.
H.R. 163: Mr. SHAYS.
H.R. 173: Mr. SHAYS.
H.R. 300: Mr. HUFFINGTON.
H.R. 425: Mr. ORTON.
H.R. 427: Mr. ORTON.
H.R. 494: Mr. SUNDQUIST.
H.R. 500: Mr. DEFAZIO, Mr. EVANS, and Mr. BONIOR.
H.R. 830: Mr. BILIRAKIS.
H.R. 1164: Mr. KLECZKA, Mr. HINCHEY, and Mr. GLICKMAN.
H.R. 1192: Mr. SHAYS.
H.R. 1322: Mr. MARTINEZ and Mr. DELLUMS.
H.R. 1483: Mr. SHAYS.
H.R. 1671: Mrs. SCHROEDER, Mr. BREWSTER, Mr. CARDIN, and Mr. BACCHUS of Florida.
H.R. 1897: Mr. MOLLOHAN.
H.R. 1910: Mr. HUFFINGTON.
H.R. 2145: Mr. BERMAN, Mr. CALVERT, Mr. BROWN of California, Mr. DOOLITTLE, and Mr. MURTHA.
H.R. 2292: Mr. SABO.
H.R. 2648: Mr. DELLUMS and Mr. HAMBURG.
H.R. 2837: Mr. FINGERHUT.
H.R. 2898: Mr. BECERRA.
H.R. 2929: Mr. MANN.
H.R. 2985: Mrs. SCHROEDER.
H.R. 3075: Mr. MINETA.
H.R. 3128: Mr. JOHNSTON of Florida.
H.R. 3269: Mr. GOSS and Mr. RANGEL.
H.R. 3271: Mr. KNOLLENBERG.
H.R. 3630: Mr. DARDEN and Mr. GUNDERSON.
H.R. 3646: Mr. OXLEY, Mr. PARKER, Mrs. MINK of Hawaii, Mr. EVERETT, Mr. MICHEL, and Mr. EWING.
H.R. 3927: Mr. KOPETSKI.
H.R. 4051: Mr. EVANS.
H.R. 4091: Mr. SHARP, Mr. HINCHEY, Mrs. COLLINS of Illinois, and Ms. ESHOO.
H.R. 4106: Mr. HILLIARD.
H.R. 4189: Mr. PETRI.
H.R. 4213: Mr. HINCHEY.
H.R. 4350: Mr. HANCOCK.
H.R. 4371: Mr. RAVENEL and Mr. CUNNINGHAM.
H.R. 4386: Mr. GORDON, Mr. SKELTON, Mr. WALSH, Mr. RAHALL, Mrs. MEEK of Florida, Mr. BOEHLERT, Mr. CALLAHAN, Mr. MYERS of Indiana, Mr. MCCURDY, and Mr. ORTON.
H.R. 4393: Mr. TOWNS, and Mr. FROST.
H.R. 4399: Mr. BONIOR, Mr. HOLDEN, Mr. BORSKI, Mr. BLACKWELL, and Mr. FOGLIETTA.
H.R. 4400: Mr. BROWN of California.
H.R. 4404: Mr. WASHINGTON, Mrs. MORELLA, Mr. QUINN, and Mr. MCKEON.
H.R. 4441: Mr. KASICH and Mr. OXLEY.
H.R. 4481: Mr. OBERSTAR and Mr. HINCHEY.
H.R. 4491: Mr. KNOLLENBERG, Mr. SCHIFF, Mrs. MEYERS of Kansas, Mr. CRAMER, Mr. SENSENBRENNER, Mr. SOLOMON, and Mr. TORKILDSEN.
H.R. 4507: Mr. LIPINSKI and Mr. RANGEL.
H.R. 4514: Mr. KREIDLER, Mrs. UNSOELD, and Mr. BORSKI.
H.R. 4517: Mr. TRAFICANT.
H.R. 4540: Mr. LIPINSKI, Mr. MARTINEZ, Mr. WILSON, Mr. FROST, Mr. RIDGE, Mr. MCCURDY, and Mr. RANGEL.
H.R. 4560: Mr. MOAKLEY.
H.J. Res. 90: Mr. DOOLITTLE.
H.J. Res. 160: Mr. HOEKSTRA.
H.J. Res. 209: Mr. JOHNSON of Georgia.
H.J. Res. 328: Mr. DELLUMS.
H.J. Res. 364: Mr. BONIOR, Mr. LANTOS, and Mr. BARRETT of Wisconsin.
H. Con. Res. 90: Mr. SHAYS.
H. Con. Res. 148: Mr. WISE.
H. Con. Res. 166: Mr. TALENT and Mr. STUMP.
H. Con. Res. 209: Ms. MCKINNEY.
H. Res. 291: Mr. TAYLOR of North Carolina.
H. Res. 434: Mr. SENSENBRENNER and Mr. HERGER.
H. Res. 437: Mr. FRANKS of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

96. By the SPEAKER: Petition of the Legislature of Rockland County, NY, relative to memorializing Congress to discontinue Federal subsidies to tobacco growers; to the Committee on Agriculture.

97. Also, petition of the Legislature of Rockland County, NY, relative to memorializing Congress in support of S. 993 and H.R. 140, the Federal Mandate Relief Act of 1993; to the Committee on Government Operations.

98. Also, petition of the General Court, Commonwealth of Massachusetts, relative to memorializing the Department of the Interior to retain the National Park Service Regional Headquarters in Boston, MA; to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

A TRIBUTE TO AMERICA AND ITS FLAG ON FLAG DAY, 1994

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, I submit this for all Members.

A TRIBUTE TO AMERICA

(By J. Morgan Haynes, Arden, NC)

I love America. I was blessed to be born in America. I am honored to be an American. What a privilege and honor for me to stand under the shadow of Old Glory, whose colors have never run, whose trumpet has never sounded retreat, and for whose principles and ideals men, women and children have paid the last full measure of devotion to protect and preserve.

This wonderful old flag with its magnificent design and colors represents the greatest country that the God of this universe ever created. It gives forth a message of freedom, hope and opportunity that is known throughout the world.

The colors of this flag were not picked at random. Red was chosen because it stood for courage, bravery, and willingness of the American people to give their life for their country and its principles. The white was selected because it represents integrity and purity, while the blue was decided upon because it portrays vigilance, perseverance and justice. The stars in the original flag were placed there to tell the world that a new constellation had arisen in the skies and on the horizon of the world. Thus, this flag has become a rallying point and a source of inspiration to every true American wherever it is displayed.

I believe in the democratic process and voice. During a time like we are now experiencing in our nation, we are all moved with deep passion and emotion. But I think it is time we unite in support of allegiance for those who represent our country on the front-line of battle.

We need an allegiance of loyalty. There is no greater encouragement for our men and women on the front-line than to know we are "behind them" and in support of our country here at home.

We need an allegiance of patriotism. I am not ashamed of this flag because it represents my country, which is my country first, last, and always. When I see our flag being desecrated and burned, I am greatly disturbed, even though I know this is an expression of our democratic "voice."

We need an allegiance to equal responsibility. We hear a lot today about equal rights and that is well and good but equal responsibility always precedes equal rights, and the sooner we learn this lesson the better off we will be. There is no such thing as a free lunch and something for nothing. If this country provides us with the opportunity for food, clothing, education and freedom, then we are honor bound to defend it and its democratic principles, when called upon, even with our lives.

We need an allegiance of military preparedness. The reason we have been respected in the past is because we operated from a position of strength. The reason we are laughed at as "a paper tiger" and scorned by the world in recent times is because we have been operating from an anemic position of weakness. We have become the object of ridicule because as a great power and representative of democracy, we have let dictators who chose to, spit on us and rub refuse in our face. Then we have bowed and scraped and meekly offered our apologies for ever being in his way. I submit to you it is time to stand for democratic principles and freedom and "get the job done."

"I pledge allegiance" . . . and I pray, with God's help, we will proudly honor our country, never cowardly desert it and never cease to defend it.

COPING WITH AIDS—NATIONAL RECOGNITION OF AN ANSWER AT ST. MARY MEDICAL CENTER

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, the social stigma of the horrible disease known as AIDS creates an additional pain that its sufferers must regrettably bear—being ostracized by friends, family, and community. Unlike patients who are terminally ill with other afflictions such as cancer, the AIDS patient frequently must suffer alone without support services and systems.

Recognizing this, the St. Mary Medical Center in Long Beach, CA, began an effort in 1986 to provide for the health, social, and daily living needs of AIDS patients. Now, after 8 years of helping AIDS patients cope with their disease, the Comprehensive AIDS Resource Education, or C.A.R.E., program at St. Mary has received the National recognition it so richly deserves. At a ceremony in Philadelphia last week, the Catholic Health Association bestowed its highest honor on St. Mary's C.A.R.E. program.

The C.A.R.E. program is unique in the State of California. It has succeeded in cutting down both the length and number of hospital stays for AIDS patients. And of equal importance, the C.A.R.E. program has enlightened the community about the reality of AIDS as a disease. According to Carolyn Carter, a representative of the St. Mary Medical Center, when the program started, people were still leaving trays for AIDS patients outside their doors because they were afraid to touch them. Now, C.A.R.E. offers a buddy-training service that links people with AIDS to those who can help run errands and perform other tasks for them.

In addition, the C.A.R.E. program provides free home health care for AIDS patients, as well as free psycho-social counseling, grief therapy and a medical clinic for all HIV-infected clients.

AIDS sufferers deserve our compassion and support. Programs like C.A.R.E. do just that—and in the process, teach us about caring for others. That is why I rise today to hold up the C.A.R.E. program at St. Mary Medical Center which has been nationally recognized as a model for the rest of the Nation by the Catholic Health Association.

GERARD L. MALOUIN, COMMUNITY LEADER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to honor a man whose service to his community cannot be underestimated. That man is Gerard L. Malouin. At the end of this month, Mr. Malouin will be retiring as president and CEO of Brightside for Families and Children, a position he has held for the past 16 years. During that time Brightside has grown from a residential child-welfare agency to a successful, complex, managed behavioral health network. Mr. Malouin has been instrumental in the growth of this nonprofit organization which touches the lives of over 250,000 people in western Massachusetts.

Mr. Malouin grew up in western Massachusetts. He attended schools in Chicopee and Easthampton, earned a B.A. from St. John Seminary College, and an M.S.W. from the University of Connecticut. Before his tenure at Brightside, Mr. Malouin taught clinical administration to doctoral students at Smith College for 6 years. He is the proud father of two children: Matthew is a freshman at the U.S. Air Force Academy, and Laura is a junior at Northamption High School.

As president of Brightside, Mr. Malouin has been instrumental in obtaining millions of dollars in Federal grants, as well as hundreds of thousands of dollars in foundation grants, and over $1 million annually in financial support from the community. He has been an experienced and knowledgeable administrator in a broad range of areas including operations, planning, program development, marketing, and system design. He has directed Brightside to a leadership position in the advancement of child welfare behavioral health services.

Mr. Malouin has decided to leave Brightside in order to explore new challenges and leadership opportunities, but his impact on Brightside and on the community will not soon be forgotten. As Brightside Board of Trustees Chairman Dennis Fitzpatrick stated, "His dynamic leadership has transformed Brightside into a center that creates innovative cutting-edge programs to help families and children." Mr.

Malouin has been a pillar of the western Massachusetts community, and deserves the utmost respect for all he has done with Brightside. I wish him luck in all his future endeavors.

CROATIAN OPPOSITION LEADERS SUPPORTING LIFTING OF ARMS EMBARGO ON BOSNIA AND DEMOCRATIC REFORMS WITHIN CROATIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TRAFICANT. Mr. Speaker, I rise to take this opportunity to share with my colleagues two informative letters written by members of the opposition within the Croatian Parliament. The first letter was written by Messrs. Mesic and Manolic at the time they were the Presidents of the House and Senate chambers. Their exact status at this moment is the subject of much debate within the Parliament. What is not debatable, however, is that they have split with President Tudjman's ruling party—of which they were cofounders—and formed a new opposition party called the Croatian Independent Democrats. They have expressed strong disagreement with President Tudjman's authoritarian style in domestic policy and opposition to his war of expansion against Moslems in Bosnia. The second letter is from Dobroslav Paraga, who is well-known to Members of the U.S. Congress as a fighter for democratic rights within Croatia.

At this point, I wish to include the text of these two letters which follow:

SABOR REPUBLIKE
HRVATSKE—PREDSJEDNIK,
Zagreb, Republic of Croatia, June 4, 1994.

MEMBERS,
U.S. Congress, House of Representatives.

Starting from general democratic principles and in view of the current political situation facing the Republic of Croatia and the Republic of Bosnia and Herzegovina, as well as the circumstances of continued Serbian aggression against these two sovereign States, we, as presidents of the Croatian Parliament Sabor, of its two chambers, hereby join in the initiative launched by the U. S. Congress and Senate, concerning the lifting of the embargo on arms imports imposed on the sovereign and internationally recognized Republic of Bosnia and Herzegovina. This is the most effective way for stopping the Serbian aggression and bringing war in that country to an end. Lifting the embargo on arms imports in the Republic of Croatia, which is also a victim, still threatened by the Serbian aggression and occupation, should be considered in the same context, too.

After the Washington accord was signed, a conclusive polarization has taken place on the Croatian political scene: included in the division are those preventing its implementation, and those ardently supporting its consistent implementation. A consequence of the process is the final split in the Croatian Democratic Union, the Republic of Croatia's ruling party, and the emergency of the party of Croatian Independent Democrats.

As presidents of the parliamentary chambers of the Croatian Sabor, we believe no real democratization can be effected in Croatia until the Washington accord has been brought to life, whereby the demands of the Croatian people and citizens of Croatia would be realized, in actual fact. As far as this question is concerned, our position is the same as the one held by the legal authorities in Bosnia and Herzegovina, which is, undoubtedly, supported by most of the citizens of that State. Since we are assured that the ruling party in the Republic of Croatia—President Tudjman's party and its exponents in Bosnia and Herzegovina will sabotage the implementation of the Washington accord, for reasons including also internal political developments in Croatia, where President Tudjman's ruling party has blocked the country's democratization, we have established the new party—Croatian Independent Democrats, which has parted from the ruling party. We have immediately been subjected to attacks by the authoritarian and undemocratic mechanisms of the authorities. The Croatian Independent Democrats has already become the second strongest party of the opposition.

By the same token, in a situation when the international community is incapable of containing Serbian aggression, even where exclusion zones, "safe havens" (so-called enclaves, e.g. Goražde) are concerned, on the eve of democratic elections in the Republic of B&H, an effective step is called for, one needed for stabilizing the two neighbor States, which would simultaneously shut out prospects concerning a continuation of Tudjman's regime's negotiations with the Serbian one, as well as a cooperation in disagreement with the democratic will of the population and contrary to the very spirit and provisions of the Accord. We, therefore, believe that the lifting of the embargo on arms imports in the Republic of B&H would yield several positive effects in seeking lasting solutions for settling the crisis in the areas concerned.

In the first place, it would be an expression of determination vis-a-vis the implementation of the Washington accord, a meaningful contribution to its realization in face of attempts at thwarting it being equally made by the Belgrade regime and the authorities in the Republic of Croatia. The former was the first to start an aggression against the Republic of Bosnia and Herzegovina, and the latter, by accepting that the sovereign Republic of B&H be divided, have brought the Republic of Croatia from the position of being a victim of the aggression into that of being a co-aggressor.

The lifting of the embargo may also come as a solution in the present situation of the United Nations and all relevant international actors being stalemated while seeking more permanent and peaceful solutions to the crisis in our territories. In the act of the embargo being lifted we do not see a threat of a further escalation of the war, but we see it as a precondition for crushing the aggression on the Republic of B&H, leading—indirectly and in practical terms—to the crushing of the occupation of parts of Croatia and to a peaceful integration of the areas concerned in the state and legal system of the Republic of Croatia. Orientations such as these are the constant of our political action.

We have found ourselves before the possibility of the Washington accord being brought to life by solving a question that is crucial for the survival of a sovereign and integral Republic of Bosnia and Herzegovina. After it has carried out free elections, it could enter into a confederation-type relationship with the Republic of Croatia. It would, in turn make an impact on democratization in the Republic of Croatia and the establishment of a rule-of-law State and a full-fledged constitutional system. For the above reasons, our initiative is hereby submitted to the U.S. Congress for serious consideration.

STJEPAN MESIĆ,
President of the Sabor of the Republic of Croatia
JOSIP MANOLIĆ,
President of House of Županije of the Sabor of the Republic of Croatia.

HRVATSKA STRANKA PRAVA,
ZAGREB, REPUBLIC OF CROATIA,
June 7, 1994.

MEMBERS,
U.S. Congress,
House of Representatives.

More than a year ago, 13th May 1993, twelve members of the U.S. Congress addressed a letter to the President of the USA, the respected Mr. Bill Clinton. They briefly presented the trouble that was facing the Republic of Croatia at that time, they simply stated their comments towards the "autocratic aims of Franjo Tudjman, the president of Croatia".

Since that time Croatia has been faced with an escalation of those autocratic aims, so much so that at the present time Croatia finds itself in a parliamentary crisis and a crisis within the government itself, to further illustrate the force of the previously mentioned tendencies. That is the reason why once again I am compelled to contact the Congress, at that time the when at the order of the day at the House of Representatives we are faced with the question of lifting the arms embargo on Bosnia and Herzegovina.

At the time when the parliamentary crisis in the Republic of Croatia has reached a climax, at that time the two presidents of both houses of the Croatian parliament wrote to the U.S. Congress, as adjudicators of law to plead for the lifting of the arms embargo. Due to these letters Franjo Tudjman's regime used this to discredit these two presidents of parliament, charging them with treason and dishonor, bar their democratic rights to write and consul the parliament of a friendly Nation. Furthermore, this was used to remove and relieve them of their duties in such a way that does not conform to the rules of a parliamentary democracy. Not only was criticism not accepted as a democratic gesture, but was used to banish political nonconformists.

Governmental crisis, not only exists but is covered up, mainly due to non existence of freedom of the media, the facts stand that certain ministers during the parliamentary crisis overstepped their powers and roles that they are supposed to be limited with and openly rallied in the name of the ruling party in a way to favour the ruling party during the parliamentary crisis. This new demonstration in itself shows that shared and responsible government does not exist in Croatia, that ruling party influences regularly emerge over the law making bodies.

All of this is of no wonder when it is revealed that the president misuses his power and has practically installed his own family as an oligarchy in all matters of every day life. Tendencies of embedding the ruling party in the governmental apparatus, which is directly contradicting the Conference of European Security and Co-operation and democratic principles, proceeded in a process of establishing an oligarchy, and not only

has the ruling party categorically halted the opposition parties by non democratic means, but has started a "witch hunt" on the critics and non conformists amongst it's own ranks.

The way that then oligarchy plans to resolve the parliamentary crisis is by a one party 'parliamentary' rule, namely, without democratic legitimacy is in direct contravention of the constitution of the Republic of Croatia and the rules of the parliament. The president of the Republic of Croatia himself is already in contravention of the constitution clause 103, which states that at least once annually the president of the Republic must himself personally address the parliament, inform the parliament of the political situation in the Republic of Croatia and state his activities; that he has failed to comply with. In itself this is a proof that at least for a period of two years he has persisted in weakening parliamentarianism in Croatia and is hijacking the powers of parliament.

What's more, during the parliamentary crisis, speaking to the members of croatian parliament of his own party, he bluntly acknowledged insurging in the internal affair of the neighbouring Republic of Bosnia and Herzegovina, pointing out that through his minister of defence as the person that he carried out his political aims into the Republic of B&H, meaning that his policy was war against the Muslims and division of the recognised Republic of B&H, including the physical liquidation of political non conformists and persecution of all that refused to be pushed into a war of non survival against a natural ally. I initiated personally and in the name of my party—Croatian Party of Rights—an initiative for a parliamentary investigation into the conduct of the president of the Republic of Croatia. My criticism and wishes that the disregard of constitutional powers and limitation be dealt with democratically means were misinterpreted as "against national interests and subversive", but the escalation of the parliamentary crisis has in effect halted further insistence of the before mentioned initiative.

The letter of the twelve congressmen marked to the attention of the respected Bill Clinton, the contents refer to the physical liquidation on leaders of the opposition, that is the continuing political practice of the Tudjman's regime. These days, the leader of the opposition Drazen Budisa faces threats and physical liquidation, due to this he has asked for special protection, the same applies to other respected members of opposition parties such as Stjepan Mesic, Vladimir Bebic and others, and certainly I am still exposed to the same threats.

The assassins of Ante Paradzik were tried, but the investigation did not allow the unravelling of who(m) was behind the scene, that is, the person(s) that ordered the assassination. Murders of Marina Nuid, Blaz Kraljevio, Reichl Kir and others as yet are unsolved, nor are any investigations being conducted in these matters. The regimes campaign against the freedom of the press and media in general have long been completed, the situation is far worse than when the congressmen last sent their letter in 1993.

All of these mentioned results are due to the fact of absence of multi party control on result counting and observation during the last 1992 and 1993 elections, as in the wishes of the regime to non democratically halt emergency elections brought about due to the crisis, which is consistent with the conclusions of the congressmen's letter the previous year. In today's situation emergency elections, parliamentary and presidential, in the Republic of Croatia would even be condition sine qua non for the lifting of the arms embargo, so as to prevent misuse of the lifting of the mentioned embargo.

At this moment as you consider the lifting of the arms embargo for the Republic of Bosnia and Herzegovina, I draw your attention to the situation in the Republic of Croatia. Lifting of the arms embargo would seriously rock Tudjman's plans to establish an oligarchy strong enough to keep a hold over Croatia, it would strengthen the prospect of realisation of the Washington Accord, with that to once again awaken the process of democratisation in Croatia. Finally, lifting of the arms embargo on the two neighbouring countries—Republic of B&H and Republic of Croatia—USA, UN, NATO and other factors would not grant these two countries anything that they are not entitled to: their fundamental right is to self defense from the existing aggression and occupation, and when that is associated with the right for democratic development there should not at all be any dilemma in the decision, in which no doubt you will agree to same.

DOBROSLAV PARAGA,
Member of Croatian Parliament and President, Croatian Party of Rights.

FURTHER RECOGNITION OF THE VETERANS OF SOMALIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. DORNAN. Mr. Speaker, I would like to include for the RECORD today additional stories of some of the brave fighting men who lost their lives in combat in Somalia last year.

S.SGT. WILLIAM D. CLEVELAND JR.

A GUY WHO NEVER SAID NO TO ANYBODY

S.Sgt. William D. Cleveland Jr. was just the sort of guy you'd want as your crew chief on an MH-60 special operations Black Hawk helicopter: experienced, competent and totally reliable.

During his roughly 16 years in the Army, these qualities had helped Cleveland rise to the position of section sergeant in 1st platoon, D Company, 1st Battalion, 160th Special Operations Aviation Regiment, Fort Campbell, Ky. Cleveland—"Bill" to his friends—was the crew chief on the second Black Hawk shot down during the Oct. 3 firefight in Mogadishu, Somalia, and was awarded the Silver Star posthumously for his actions during the battle. Only CW2 Michael Durant survived the crash.

He is remembered by his colleagues as a man who could always be counted on both personally and professionally.

"Before he'd leave to go home, if I'd given him a task to do, he'd get it done, and there were no short cuts about it,"says SFC Gregory Cogman, his platoon sergeant.

Like the model NCO he was, Cleveland was always there for his troops. "You could always ask him for anything," Cogman says. "There wasn't anything that he wouldn't do for any of the guys in the platoon, even if it was on his own time."

For example, when one of the platoon's soldiers needed some trees cutting down in his yard, Cleveland brought over his own chainsaw and truck one weekend and did the job himself, according to Cogman. "No charge, no nothing, no questions asked," Cogman said. "He never said no to anybody."

SGT. THOMAS J. FIELD

THIS SOLDIER CAME HOME TO A HERO'S FUNERAL

Hundreds of mourners attended the burial of Sgt. Thomas J. Field, 25, the crew chief on a Black Hawk shot down over Mogadishu Oct. 3. Small yellow ribbons adorned St. Anne's Roman Catholic Church in Lisbon, Maine, where he was buried with military honors.

"It was a true, hometown-hero funeral," says Georgie Asbury, Thomas Field's fiancee. "The streets were lined with people. The VFW and American Legion were out with their color guard."

Thomas Field, the youngest of three brothers, made friends easily, loved action films, country western music and ice hockey.

"This guy was perfect," his fiancee says. "He's from a wonderful community. Once I'd met his family, I realized why he was such a wonderful person."

Thomas Field was serving with the 160th Special Operations Aviation Regiment when he died in Mogadishu. He also was a veteran of Operation Just Cause in Panama. He joined the Army in 1988 and graduated from Airborne and Air Assault schools.

During his Army career, he was awarded the Silver Star, Bronze Star, Purple Heart, Air Medal with "V" device, Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal and the Army Service Ribbon.

SFC EARL R. FILLMORE, JR.

FOR HIM, THE MILITARY WAS A FAMILY TRADITION

When SFC Earl R. Fillmore Jr. joined the Army under the Delayed Entry Program, he followed the paths of many of the men in his life. His grandfather, father and two uncles all served in the military.

A childhood friend said they often played soldiers. Earl Fillmore was 18 when he left Derry, Pa., for basic training at Fort Jackson, S.C. At 24, he became the youngest soldier chosen for Delta Force, part of the Army Special Forces Command at Fort Bragg.

Before his assignment with the U.S. Army Special Forces Command (Airborne), Earl Fillmore served with A Company, 1st Battalion, 7th Special Forces Group (Airborne). He was a veteran of Operation Just Cause (Panama) and Operation Desert Shield (Saudi Arabia).

He was killed Oct. 3 while serving as a medic with Task Force Ranger in Mogadishu. He was 28.

Earl Fillmore was awarded the Purple Heart posthumously. During his career, he also received the Bronze Star, Meritorious Service Medal, Combat Infantryman Badge and Ranger tab.

CW4 RAYMOND A. FRANK

BADLY INJURED IN A CRASH, HE VOWED TO FLY AGAIN

CW4 Raymond A. Frank, 45—"Ironman" to his buddies for his iron will and determination to return to duty after sustaining serious injuries in a helicopter crash—was also a talented artist, seamster, golfer, pianist, carpenter and mechanic, said his widow, Willi Frank, of Clarksville, Tenn.

"He was just great at so many thing," she says. "He could play anything he heard on the piano," and would play for hours on the grand piano in their Clarksville home.

The Franks had been married for more than 20 years. Willi Frank says her husband was her best friend and confidant.

"He had blue eyes that seemed so wise and always laughing," she says. "He had a smile that. . . could melt the coldest heart."

They met on Willi's birthday at a bar where she worked. He had just returned from a tour in Vietnam. She waited on him and offered him a piece of her birthday cake. He declined and took her out to dinner instead after she got off work. They were married soon after, Willi Frank says.

In 1990, Raymond Frank was seriously injured in a helicopter crash at Fort Chaffee, Ark. His left leg was crushed and three vertebra were shattered. It took three surgeries to get him back on his feet, but he was determined to fly again.

"His flying skills in that incident saved the lives of seven other crew members," Willi Frank recalls. His determination to return to duty was an inspiration to other soldiers, she says. "He was totally dedicated to this country."

Raymond Frank was killed Oct. 3 after he was captured by Somalis when his aircraft was shot down over Mogadishu.

SGT. CHRISTOPHER K. HILGERT

IN TIME, HE'D HAVE BEEN 'ONE HELL OF A SOLDIER'

"A model son" is how Sgt. Christopher K. Hilgert, 27, is described by his father, Earl Hilgert.

"I never had a bit of trouble out of him. He was an avid sports fan . . . He was just a good kid."

Christopher Hilgert had served with an armored company in Germany, but decided he wanted to become a military policeman to learn a skill he could use outside the Army.

He went to college on scholarship, had been a member of the National Honor Society and was a top marksman, his father says. He'd been out of MP school just eight weeks when he learned he would be going to Somalia.

Christopher Hilgert died with three other MPs Aug. 9 on a routine patrol through Mogadishu. The Humvee they were traveling in ran over a remotely detonated bomb.

"Given a little more experience and time, he would have been one hell of a soldier," Earl Hilgert says.

PFC JAMES H. MARTIN JR.

'OUR FAMILY HAS PAID MORE THAN ITS SHARE'

One could say that James H. Martin Jr. had itchy feet. The sense of adventure that saw him enlist in the Army in early 1992 and eventually took him to Somalia in August 1993 had its beginning more than 20 years ago in a three-year-old from Collinsville, Ill.

That toddler would occasionally take off on his own to visit his grandmother some 2½ miles down the road, or go to a nearby lake just to watch the ducks.

"He was a handful," says his mother, Karen Martin, who still lives in Collinsville. Years later, after joining the Army but still very much family oriented, James Martin talked of trying to get posted in Kansas so he could live closer to his family, his favorite fishing spots and his friends.

Joining the Army was something James Martin had thought about for many years, says Karen Martin. After all, she says, his father, James H. Martin Sr., served in the Korean War and his grandfather and an uncle died in service in World War II. "I didn't want him to go in, but I wasn't surprised," Karen Martin says. "Our family has paid more than its share."

When he went off to Fort Drum, N.Y., James Martin took with him his love of music. He liked to write his own music, and liked the oldies, says his wife, Lori. "His favorite was Buddy Holly." He took his guitar and harmonica with him to Fort Drum, but only took his harmonica to Somalia. "He was concerned his guitar would get beat up, so we were going to send him a cheap one," his mother says, "but we never got the chance."

James Martin, 23, was assigned to A Company, 2d Battalion, 14th Infantry, 10th Mountain Division (Light Infantry). Members of the company, part of the quick-reaction force in Somalia, had been sent to rescue Rangers exchanging fire with Somalis in the streets of Mogadishu Oct. 3. James Martin was killed when the company's convoy was ambushed.

When she was asked about her husband's final mission and the dangers he faced in Somalia, Lori Martin says: "If it meant saving someone's life, he would do it. That's the kind of person he was."

Of her only son, Karen Martin says simply: "He was perfect."

MSGT. TIMOTHY L. MARTIN

JUST SHORT OF 20 YEARS, HE'D THOUGHT OF RETIRING

MSgt. Timothy L. Martin was accustomed to the military life. He was the son of a career Air Force sergeant and traveled around the country before moving in with his grandmother in Aurora, Ind., at the age of 16.

So his decision to join the military after graduating from Aurora High School in 1974 wasn't much of a surprise to his family. Before he was killed Oct. 3 while serving with Task Force ranger, Timothy Martin had an accomplished military career.

He was well-trained, having completed Airborne Ranger School, Jungle Warfare Training, Jumpmaster Training, Special Forces Qualifications, Combat Engineer, Special Forces Underwater Operations. His decorations included the Bronze Star, Purple Heart, Defense Meritorious Service Medal, two Meritorious Service Medals, Combat Infantryman Badge and Ranger tab.

Timothy Martin left behind his wife, Linda, and three girls when he left for Somalia. Before he deployed, he said he was thinking about retiring and starting a small business. He would have completed 20 years of active duty service in June.

SGT. KEITH D. PEARSON

'BEST MAN' WAS PICKED FOR DEPLOYMENT VACANCY

Sgt. Keith D. Pearson, 25, wasn't originally scheduled to deploy to Somalia, but ended up filling a vacancy with the 977th Military Police Company, Fort Riley, Kan.

"His commanding officer said he picked the best man to go," says his father, Burton Pearson, after his son's death in Somalia Aug. 9, 1993.

"He was a very compassionate young man," his father recalls. "He loved his job, and he loved his country."

A gregarious person and a formidable Dallas Cowboys fan, Keith Pearson is remembered by his family and friends as someone who would stand up for people who needed help, and one who went out of his way to make other people feel comfortable.

He and his wife, Jody, went out of their way to include single soldiers in social events. Jody had planned to tape football games for her husband while he was in Somalia.

Before he was married, Keith Pearson lived for a time with his older brother, Eric. "He was more than a brother; he was a friend," Eric Pearson says.

Keith Pearson died with three other MPs when the Humvee they were traveling in ran over a remotely detonated bomb.

SGT. FERDINAN C. RICHARDSON

HE DIED ON A MISSION TO PROTECT HIS COMRADES

Sgt. Ferdinan C. Richardson, 27, an intelligence analyst with the 10th Mountain Division's 10th Aviation Brigade, gave his life trying to protect his fellow soldiers from the threat of rocket-grenade launchers that were concealed by Somali militiamen in the back streets of Mogadishu.

Ferdinan Richardson, of Watertown, N.Y., was one of five soldiers who boarded a UH–60 Black Hawk helicopter on the night of Sept. 26 to investigate a report that launchers had been deployed near the new port area of the city.

As he scanned the area below, ground fire reached up to strike the fast-moving helicopter. The pilot managed to crash-land the Black Hawk in a street. Ferdinan Richardson, the door gunner and the crew chief were killed; the pilot and co-pilot were injured, but escaped the hostile mob that gathered at the crash site.

SGT. LORENZO M. RUIZ

HIS MOTHER IS AT PEACE, PLEASED HE'D SERVED WELL

Sgt. Lorenzo M. Ruiz, 27, knew the potential peril of service as a Ranger, but he didn't scare easy. His brother, Jorge Ruiz, of El Paso, Texas, said his older brother "wouldn't back away from anything."

"He liked his job as a Ranger and he liked danger," Jorge Ruiz told *Army Times* after Lorenzo Ruiz's death in the Oct. 3 firefight. His actions during that clash earned him the Bronze Star for valor.

Lorenzo Ruiz indicated that he believed he was going to die in his last letter home. "He told me not to worry about him, and that the Rangers are the best," Jorge Ruiz said. "And he told me to take care of grandmother and my mother.

After his death, his mother Maria Contreras, told The Associated Press she was at peace. "He was over there doing what his country wanted him to do," she said.

SGT. EUGENE WILLIAMS

HE LIVED FOR TWO LOVES, FLYING AND SOLDIERING

Sgt. Eugene Williams, 26, loved flying and living the soldier's life. He died doing both when the Black Hawk helicopter he was traveling in was shot down Sept. 26 over Mogadishu.

"He kept his eye on the prize, and the prize was to be a soldier," the Rev. Thomas Jackson, Eugene Williams' long-time pastor, told the Associated Press.

He wore his first uniform as a member of an Explorer Scout troop, later, he would don an Army uniform and serve seven months in the Persian Gulf war as a helicopter mechanic. The second eldest of four, Eugene Williams grew up on Chicago's West Side and made his parents proud.

"He was dedicated," his father told the Associated Press. "It's not a consolation, but one thing that makes me feel better is he did some things that he wanted to do. The Army was his choice."

CW4 CLIFTON P. WOLCOTT

'HE CALLED AND SAID, PACK ME A BAG'

In just three years, CW4 Clifton P. Wolcott, 36, would have retired to the farm he and his wife bought in the rolling hills of Kentucky's North Carolina County, about an hour from Fort Campbell.

"We were starting to learn to raise cattle, and he was quite a good horseman," says his widow, Christine Wolcott. He would take his 12-year-old son, Robert, dove hunting.

"He was really a good husband and always put his family first," Christine Wolcott says. "He was sweet and considerate. Robert and I knew we were the main focus of his life.

As an Army brat, Clifton Wolcott grew up in Germany, hiking in the Alps with his mother while his father served in Vietnam. The family later moved to upstate New York before he joined the Army.

"Clif was totally devoted to his parents; he loved them very much. I think that says a lot about the way he was raised," Christine Wolcott says. "I've seen guys that love their country and say they are patriotic, but Clif lived it."

Typical of special operations missions, the family had no warning when Clifton Wolcott deployed to Somalia Aug. 11. "It was one of those days where I came home from work, and he called and said, 'Pack me a bag,' " His widow says.

She talked to him twice by phone after he arrived in Somalia. "He didn't talk about the mission. . .[but he said] everybody there was very sharp and all the people he worked with were really outstanding. He really was proud of the men he worked with."

Clifton Wolcott was killed Oct. 3 while serving with Task Force Ranger in Mogadishu.

CONGRATULATIONS TO EDGAR AND MARIE HOLLEY ON THEIR 65TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to Edgar and Marie Holley of Mode, IL, who celebrate their 65th wedding anniversary today. In an era when families find it harder and harder to stay together, the Holleys are certainly deserving of this recognition for their 65 years of companionship.

Edgar, known to his friends as "Bud," worked as an Illinois farmer for over 50 years. Marie Holley devoted her life to raising their son, Gerald, who has grown up to be a fine young man. Edgar and Marie are active members of the Free Methodist Church in Cowden, IL.

Their commitment to those around them and to each other is a shining example of what is good and right about our Nation. I wish Edgar, Marie, their son Gerald and his family great happiness on this very special day. May we all live such rich and distinguished lives as Edgar and Marie Holley.

FOUR NEW YORKERS WALK FROM NEW YORK CITY TO WASHINGTON TO SUPPORT ANTI-FLAG DESECRATION AMENDMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SOLOMON. Mr. Speaker, today, I greeted four veterans from New York on the House steps of the Capitol. These dedicated Americans spent the last few weeks walking the 260 miles between New York City and Washington, DC.

Why did they make that sacrifice? They did it because they wanted to express their strong support for a constitutional amendment to ban flag desecration. Led by Ron James, a retired Marine from the Bronx, the group included James Fagan, a Korean war veteran who fought at the Chosin Reservoir; Frank McCosh, who walked in honor of his uncle who fought at Normandy, and Jim Mullarkey, a Vietnam veteran who served in the 82d Airborne Division.

I salute them for the many miles they walked. Their efforts honored our country's flag and the many Americans who fought and died for the flag and the constitutional rights and values it represents.

Let's not let their walk be in vain. The time has come to listen to the 43 States which have passed resolutions calling on Congress to pass a constitutional amendment to prohibit flag desecration.

THE C–17 TAKES ANOTHER SURE STEP

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, I want to bring to the attention of my colleagues an editorial which appeared in the St. Louis Post-Dispatch of June 3, 1994. This editorial points out the wisdom of what this body decided by a 330-to-100 vote: The C–17 is a good airplane and it is needed.

It is difficult to add to all the good things that have been said about the C–17 on this floor. However, it is important to remember that the C–17 is the best solution to America's air transport needs—not just for today, but well in the 21st century.

[From the St. Louis Post-Dispatch, June 3, 1994]

THE C–17 FLIES ON

The House has sensibly restored full funding for the six C–17s requested by the Pentagon for the next fiscal year. The House Armed Services Committee had cut the funding to four planes, arguing that the aircraft wasn't really needed or fully perfected or that McDonnell Douglas hadn't resolved the program's management defects.

In fact, the plane is a key part of the Pentagon's ability to put troops and equipment in battle areas efficiently. Using wide-bodied 747s and DC–10s is a doubtful alternative pressed only by those who don't think the C–17 will ever perform as its specifications demand. But it is making progress toward that goal.

The C–17 is a good plane, and it is needed. If Congress accepts the judgment and is willing to pay for any more C–17s, it should be willing to build the six aircraft the Pentagon is seeking.

HARRY J. COURNIOTES' SILVER ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to honor a great educator and intellectual. Harry J. Courniotes is completing his 25th year as president of my alma mater American International College in Springfield, MA. Dr. Courniotes has dedicated 48 years of his distinguished professional career to AIC. He started at the college in 1946 as an associate professor and moved his way up the academic ladder to professor, dean, vice president, and finally president in 1969. Dr. Courniotes' list of accomplishments have established him as a premier educator and professional scholar.

There have been many highlights to Dr. Courniotes stellar academic career. From being the No. 1 ranking student in his graduating class at Boston University in 1942, he went on to graduate study at Harvard University where he received an MBA with highest distinction in 1947. In 1976 he was given an honorary doctorate of commercial science from Western New England College.

Dr. Courniotes has also had a distinguished professional career. In addition to being a top educator for the past 50 years, he has been a certified public accountant and a member of the Massachusetts' Society of CPA's since 1952. Dr. Courniotes joined the military in 1943 as a private and left the military service in 1946 as a first lieutenant. His service to his community has never faltered. He service as a corporator for the Springfield Boys and Girls Club, on the regional board of advisors for the New England Congressional Institute, as an advisory board member for the World Affairs Council, and as an executive committee member of the Springfield Adult Education Council are just a few positions he has held that illustrate his strong sense of civic duty.

He has received numerous awards over the years including the Outstanding Servant of the Public Award in 1983 and the National Human Relations Award in 1984. He has biographical listings in the "Community Leaders of America", "The International Who's Who of Intellectuals", and "Biography International" just to name a few. However, his greatest accomplishments have come while serving as president of American International College.

During Dr. Courniotes 25 years as president, AIC has risen to prominence as one of the finest local colleges in New England. The college has expanded academically to include a nursing program, a School of Psychology and Education, and an MBA program, as well as physically as Dr. Courniotes has overseen the construction of three new educational buildings.

The contributions that Dr. Courniotes has made to his community as an educator and a local leader cannot be underestimated. He has dedicated his life to the betterment of those around him. His 25 years as president of American International College have been extremely productive and fruitful years for the college and its students. I speak as an alumnus when I say that I look back in pride on what Dr. Courniotes has done with the college. One can only hope that the students that have graduated from AIC in those 25 years turn out to be half as successful as Dr. Courniotes. I congratulate him on his anniversary with the college.

ARTICLE BY PROF. ALFRED DE ZAYAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to submit part of an article regarding the case of John Demjanjuk recently printed in the Globe, the International and Immigrant Law Section newsletter published by the Illinois State Bar Association. Mr. Speaker, as you know, the Israeli Supreme Court acquitted John Demjanjuk of the charges of being Ivan the Terrible last September. Yet, the Justice Department still hounds Mr. Demjanjuk and threatens to deport him. Most recently, the Justice Department filed a petition with the Supreme Court to have the Court overturn a ruling by the 6th Circuit Court of Appeals which found that Justice Department attorneys had committed fraud on the court by withholding exculpatory evidence during Demjanjuk's extradition hearing in 1986. The courts ruling also effectively nullified his extradition order.

Mr. Speaker, over the next few days, I will submit for the RECORD an article by Prof. Alfred de Zayas J.D. Ph.D, that deals with the Demjanjuk case.

[From the ISBA Globe, January 1994]

HUMAN RIGHTS IMPLICATIONS OF THE DEMJANJUK CASE

(By Prof. Alfred de Zayas)

After 17 years of investigations and legal proceedings in the United States and Israel, the Ukrainian born retired auto worker from Cleveland, John Demjanjuk, 74, is bracing for further litigation. Vindicated of the charge of being the infamous Ivan the Terrible of Treblinka, now he is being accused of being a lesser war criminal, and the Justice Department has moved to have him stripped of his American citizenship and deported from the United States. As some demonstrators outside his house in Cleveland have shouted: "If not Ivan the Terrible, at least a terrible Ivan."

On 30 December 1993, federal prosecutors filed briefs in Federal District Court in Cleveland and in the Federal Court of Appeals in Cincinnati, contending that Mr. Demjanjuk had lied on his immigration papers and had served as a Nazi S.S. guard in German death camps in Poland. Mr. Demjanjuk claims to have been a prisoner of war in Germany and denies ever having served as a Nazi camp guard.

This constitutes a remarkable shift in legal strategy on the part of the Office of Special Investigations (O.S.I.), which for years had insisted that Mr. Demjanjuk was identical with the barbaric Ivan the Terrible, who according to witnesses tortured his victims before pumping gas into the chambers where as many as 800,000 men, women and children perished. It took the Israeli Supreme Court to prove the U.S. prosecutors wrong.

The history of this case is full of bitterness and recrimination. As understandable as the abhorrence we all feel against the Nazis is, judicial guarantees of due process are there to prevent the "lynching" of persons suspected of authorship or complicity in particularly offensive crimes. We owe it to ourselves and to our system of justice to give Mr. Demjanjuk all those procedural rights which the Nazis never gave to their victims.

It is in this sense that we should understand the tenor of the November 17, 1993, decision of the Sixth Circuit Court of Appeals in Cincinnati setting aside its 1986 order to extradite Mr. Demjanjuk to Israel to face murder charges as Treblinka's Ivan the Terrible. The unanimous court held that crucial evidence had been withheld from the court and from Demjanjuk's lawyers, concluding that "the O.S.I. attorneys acted with reckless disregard for their duty to the court" and that they had committed "fraud on the court." These are strong words that should make the Department of Justice review the methods used by the Office of Special Investigations not only in the Demjanjuk case, but in the more than 500 cases currently being investigated or tried.

While the Sixth Circuit Court has shown that U.S. justice can exercise self-regulation and provide a measure of redress in cases of miscarriage of justice, let us not forget that Mr. Demjanjuk was indeed extradited in 1986, tried, sentenced to death, and that he spent over five years on death row. In fact, he would have been executed long ago but for the courage of his Israeli defense lawyer, Yoram Sheftel, and the integrity of the Israeli Supreme Court, which quashed the earlier judgment in July 1993 and returned him to the United States in September 1993.

The question arises whether it serves any purpose to prolong Demjanjuk's 17-year ordeal, and whether in the light of the passage of time and the difficulty of obtaining reliable evidence, it might not be better to discontinue the proceedings in Cleveland and Cincinnati. At the very least, we should be conscious of the arguments set forth in the judgment of the Court of Appeals for the Sixth Circuit, signalling the imperative need to watch for misconduct on the part of overzealous prosecutors. We should also devote some time to reflect more broadly on the human rights implications of the Demjanjuk and other O.S.I. cases.

Human rights principles are tested not on "consensus victims" or on "politically correct" victims, but rather on unpopular individuals. It is frequently the controversial case, where hardly anyone wants to recognize the person in question as a victim, that creates good law.

Nearly 100 years ago, Emile Zola exposed and condemned the failures of French justice in his article "J'accuse." We remember that in 1894 Alfred Dreyfus, a French officer of Jewish descent, had been falsely accused and convicted of betraying military secrets. He was sent to Ile du Diable. French Guiana, to serve a sentence of life imprisonment. Evidence of his innocence was uncovered but suppressed by the military. Zola's uncomfortable advocacy forced even the politically correct to reassess the case, and Dreyfus was finally vindicated.

Applying the Dreyfus precedent to the Demjanjuk case, we start from the premise that everyone accused of a criminal offence is entitled to the presumption of innocence. While we all agree that Nazism was one of the most inhuman systems the world has known, and that criminals like Ivan the Terrible ought to be prosecuted, we also recognize that justice requires that only the guilty be punished. In the instant case, it appears that Mr. Demjanjuk is not Ivan the Terrible and it remains to be proven that he was a Nazi guard at all. In any event, he has rights to due process under the U.S. Constitution which must be respected. Moreover, an "international minimum standard" on human rights has emerged, which has been laid down in regional and universal instruments, notably in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights of 1966 and the American Convention on Human Rights of 1969.

While readers of this commentary may be very familiar with U.S. constitutional guarantees, they may be less aware of international human rights standards, in particular those norms that apply by virtue of U.S. ratification of international treaties.

The most important treaty in this field is the International Covenant on Civil and Political Rights, which the United States signed in 1977 during the Carter administration and ratified in 1992 during the Bush administration.

Article VI of our Constitution stipulates that treaties made under the authority of the United States shall be the supreme law of the land and that judges shall be bound thereby. Thus, in all criminal matters and in suits at law pursuant to the 1979 Holtzman Amendment in denationalization and deportation cases, judges ought to take international law into consideration, including the obligations undertaken by the United States pursuant to the Covenant on Civil and Political Rights.

Although upon ratification in 1992 the U.S. introduced a declaration that the provisions of the Covenant: "are not self-executing," this does not render the Covenant meaningless or invite judges to disregard its provisions. It means that the United States ought to adopt appropriate legislation and ensure that inconsistent federal and state laws are repealed, so that the U.S. will not be in violation of its international obligations under the Covenant.

Mr. Demjanjuk's 17-year ordeal, his detention, extradition proceedings, surrender to Israel (also a party to the ICCPR since 1992), trial in Israel, "death row phenomenon" (from 1988 to 1993), continued detention after acquittal, and further proceedings in the United States following his return raise numerous issues not only under the U.S. Constitution, but also under the Covenant.

PERMANENTLY NONWORLDWIDE ASSIGNABLE MEMBERS OF THE MILITARY—READINESS, COST, AND FAIRNESS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD a copy of a letter from

the Non Commissioned Officers Association [NCOA] and an article from Navy Times on the issue of permanently nonworldwide assignable members of the U.S. military.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, June 7, 1994.

Hon. ROBERT K. DORNAN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. DORNAN: The Non Commissioned Officers Association of the USA (NCOA) strongly supports the proposal contained in the House version of the FY 1995 Defense Authorization Bill (H.R. 4301) that ensures that all members of the military be physically and medically worldwide deployable.

During a time when manpower levels of the military services have been and continue to be reduced to minimum levels, NCOA believes that the taxpayers of this country should reasonably expect that all servicemembers serving in the military services be able to serve wherever and whenever needed. If necessary readiness capabilities are to be realized from a "boots-on-the-ground" standpoint, everyone in uniform must be eligible for deployment under field conditions. NCOA further believes that failure to adhere to such a policy presents false strength indicators and will undoubtedly result in unfair assignment practices and rapidity for those who meet and maintain established deployability criteria.

NCOA is opposed to any legislative effort to reduce or lessen the deployability requirements of H.R. 4301.

Sincerely,

MICHAEL F. OUELLETTE,
Director of Legislative Affairs.

[From the Navy Times, June 6, 1994]

READINESS FUELS DEBATE OVER TROOPS WITH AIDS

(By Rick Maze)

WASHINGTON.—There is new ammunition for those seeking to discharge service members whose medical conditions make them unable to deploy overseas: readiness.

A new report on reserve readiness released by the General Accounting Office, Congress's investigative arm, concludes that medical or physical problems either prevented or hindered the deployments of thousands of reservists during the Persian Gulf crisis.

The report comes just days before the House is to debate a provision in the 1995 defense authorization bill that would force the discharge of anyone who has been unable to deploy for medical reasons for more than a year.

The provision was not the Pentagon's idea, but was added by the House Armed Services Committee when it wrote its version of the defense budget. It is aimed mostly at service members with the AIDS virus.

There are a few exceptions in the committee proposal:

No one within two years of being eligible for retirement would be discharged.

If the medical condition resulted from combat or an heroic peacetime act, the service member could be retained.

Anyone with a critically needed skill could remain in the service under a waiver.

Sponsored by Rep. Ike Skelton, D-Mo., chairman of the armed services subcommittee on military forces and personnel, the legislation allows for a review of every discharge to allow for more exceptions.

The General Accounting Office report appears to contradict service contentions early this year that keeping nondeployable troops on board is not a problem.

Government investigators found that the Army had 22,000 people in the reserve components in 1992 with permanent medical problems that prevented them from marching, running, crawling or being near gunfire, says the report to the House Armed Services subcommittee on readiness.

About 8,000 Army Guard and Reserve personnel were found unfit to deploy during operations Desert Shield and Desert Storm, the report says. Among the problems were cancer, heart disease, double kidney failure and muscular dystrophy. One soldier had a gunshot wound to the head.

Problems were much smaller for the other reserve components, the report says. The Navy, for example, had 333 people who were not activated for medical reasons, mostly temporary conditions such as broken bones, being overweight or pregnancy.

The Department of Defense and the services have opposed the House legislation, arguing they see no problems with their policy, which allows more discretion than the legislation would in determining when a service member should be discharged.

Committee member Rep. Jane Harman, D-Calif., plans to offer an amendment to the defense bill in June that would water down the restrictions by giving the services the power to offer sweeping waivers without a case-by-case review. Harman's alternative has the support of Rep. Ronald V. Dellums, D-Calif., the committee's chairman, but is opposed by Skelton and by Rep. Robert K. Dornan, R-Calif., the committee member who first raised the issue in connection with service members who have the AIDS virus.

Testifying in March before Skelton's subcommittee, defense officials said that less than one-fifth of 1 percent of active-duty service members have permanent medical conditions that make them nondeployable. This is such a small number, it has no impact on readiness, they said.

Of the 3,560 service members who are permanently unable to deploy for medical reasons, about half have AIDS or are infected with the human immunodeficiency virus, which causes AIDS, officials said.

Skelton has tried to extend the debate beyond AIDS, arguing that while the military is getting smaller the services cannot afford to give up valuable billets to people who cannot now deploy and will never be fit to deploy in a contingency.

"The compassionate thing might be to keep someone with a serious heart condition or other medical problem on active duty because he's a nice guy who has worked hard, but the fact is that this person cannot go anywhere and do anything," said a Skelton aide. "This person is a liability."

ALASKAN ESSAY WINNERS SHOW CONCERN FOR NATURAL RESOURCES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, the Resource Development Council, located in Anchorage, AK, is a membership organization comprised of individuals, communities, groups, and businesses interested in the sound use of our natural resources. RDC is dedicated to allowing Alaskans from all walks of life to come together to work for the common cause of sensible and progressive resource development.

For the past 3 years, RDC has sponsored a statewide essay contest for students on topics related to resource development. Recently, I had the honor of presenting awards to this year's winners: Miss Shannon Siemens, a sixth grader at Kodiak Junior High School; and Miss Sharlene Chang, a student at Diamond High School in Anchorage. These two exceptional young ladies had their essays chosen from over 70 entries

As a former teacher, I am proud to see such hard work and interest in the future that was exhibited by all of the young Alaskans who participated in the essay contest. In order to share the winning entries with the Members of the House, I submit the essays to be printed in the RECORD.

WHAT IS THE ESSENTIAL ROLE OF NATURAL RESOURCES IN SOCIETY?

By Shannon Siemens

The essential role of natural resources in society is to supply humans with everyday materials that he needs to survive and use. I will tell about the necessity of each of these natural resources.

Sunshine is the most valuable resource of all. We need it to keep healthy and warm. It gives us Vitamin C. Since moving to Kodiak, there is not much sunlight, and I have been sicker more often because of the lack of Vitamin C. Also, to see, you need light from the sun.

Water is another important resource. We need it, as do plants and animals, so we do not become dehydrated. About 75 percent of our body is made up of water. We are supposed to drink at least eight glasses of water a day. We clean ourselves with it in the bathtub or shower. Our teeth are brushed with sink water. We flush remains in toilet water. In the kitchen, it is used in preparing food, such as cakes. Dishes and clothes are cleaned in water, too. It is also needed to put fires out.

Electricity is produced from hydro-electric plants that use water. Where this natural resource is found, many plants exist. This water is kept in dams, with waterfalls nearby.

Gas is another necessary natural resource. Air is the most common gas. It is made up of mostly two gases—oxygen and nitrogen. The nitrogen is not needed, but oxygen is vital for our survival. If there were no air, there would be no oxygen, and we would die in a few minutes. Other less important gases are ammonia and chlorine for cleaning, and methane for cooking food and heating homes.

Oil is a rich natural resource. It gives us 90 percent of the energy we use in modern life. Without oil much of our present way of life could not exist. It is used to make gasoline, diesel oil and jet fuel. My dad burns 769 gallons of fuel per hour flying his C–130 plane. Synthetic fibers from oil are used to make clothing. Asphalt, wax and lubricants are all oil products.

Plants are a crucial natural resource. We breathe in oxygen, and breathe out carbon dioxide. Plants take in carbon dioxide, transform it into oxygen and the cycle repeats itself. Plants are the only living thing that can produce food. They receive energy from the sun to make starches, sugars, fats and proteins. Sometimes we eat the stem, seed or fruit. We can even eat the flower, leaf or

root. Cereal grains such as wheat, corn, oats, rice, barley and rye are important to our health. They come from sources in plants. Years ago, the pioneers discovered every food plant. But today, man has improved them by selection and crossbreeding.

Many necessary materials also come from plants. Some of these include rope, wood and cotton. People need to shelter themselves, make clothes to keep warm, and make life more comfortable. Plant materials can do all this.

Some medicines are produced from plants. Others come directly from the natural chemicals found in plants. The opium poppy plant is used to make morphine as a pain killer. This was offered to my mother after cancer surgery. Cortisone is used to help people who are crippled with arthritis, like my grandpa. It comes from a Mexican yam and an African plant called strophanthus. Cocaine comes from the coca plant in South America. It's used as a natural resource in medicine.

Many people don't think of animals as a natural resource, but in fact, they are. Coral are beautiful animals commonly found in reefs. Coral is important as a home for many fish. If all the coral is gone, then so is their home. Another sea animal is the anemone. This animal also dwells in the coral reefs. It shares a symbiotic relationship with the clownfish. They are hurtful to anything except for the clownfish. This fish cleans out the anemone's tentacles and the anemone finds food for the clownfish. A sponge is a simple animal. It is also a natural resource. When I lived in Florida, I visited the sponge docks in Tarpon Springs, where natural sponges were brought up from the reefs and sold. It can reproduce like the starfish and can be used as a "cleaning cloth" because it can hold water well. Game animals and fish are also necessary for man's survival. However, man needs to be cautious! For example, the Grand Banks of Newfoundland, Canada are no longer so "grand" for fishing. Fishermen there are paid over $300 a month (by the government) NOT to fish. This "freeze" will last until May 1994.

Minerals exist everywhere. These raw materials include gold, silver, copper, iron, zinc, lead and tungsten. Most are used for money. You can receive supplies from other countries that your country doesn't produce. They are in demand for making products to sell and trade with other countries.

Some non-metallic minerals are gravel, cement, salt and sand. Man uses them in a variety of industries. For example, the Morton Salt Plant in Great Inagua, Bahamas produces salt for use on food, icy roads, medicine and for making roads. Liquid sodium from salt is used as a cooking agent in nuclear powerplants. Salt is even used to soften water and give to animals.

In Columbia, South America there's a "salt cathedral" in Zipaquira. This church is built in a salt mine, and is entirely made out of salt. The central altar is a block of salt weighing 18 tons! Did you even imagine that salt could make something so interesting?

Rocks are another natural resource. You can build with rocks, for example, limestone. Years ago, huge limestone "wheels" were carried around on sticks in Yap. They were used for money and trading. When he visited Yap in the South Pacific, my dad photographed these wheels. They are now used for village property and have ceremonial value. Some of the Lesser Antillies in the West Indies are made completely out of limestone and volcanic rock. The ground itself is a natural resource! The hardest of rocks, diamonds are commonly used in jewelry, and very expensive. These are probably the two most important examples of rocks.

Natural resources are needed by you, me and the whole world. As individuals and as a nation, we all have basic needs—to breathe, eat, have shelter, stay healthy and be happy—to survive!

NATURAL RESOURCES: SOCIETY'S DRIVING FORCE

(By Sharlene Chang)

Natural Resources. When one thinks of natural resources, they think of precious oil, gas and coal, among many other things as well. Society is fueled by natural resources. They are what propels us through the twentieth century, and leads us into the twenty-first.

As our knowledge of natural resources grows, society grows along with it. Society has come to depend greatly on natural resources. Looking around, one can see the effects of natural resources on our every day lives. The heat in our homes and the fuel for our cars are supplied by our advanced technology and our extensive knowledge of natural resources.

The natural resources industry supplies many people with jobs and incomes for themselves and their families. Even people that are not employed by the natural resources industry can feel its effects. With the money that the industry's millions of employees earn, they buy other goods and services to provide for their well-being. In this way, natural resources affect not only the person as an individual, but society as a whole.

The essential role of natural resources is to provide the American society with their incredibly high standard of living. Little do many Americans realize the comfort and luxury that is provided to them, due to the utilization of our many natural resources. Central heating, gasoline, grocery store shelves stacked with different foods and electricity are all examples of the products of natural resources. Many other nations are lacking in these things that we take for granted every day.

We are blessed because America is bountiful in natural resources. A wide variety of resources come from all regions of the United States, from coast to coast. Factories that convert these raw resources into consumable products provide high paying jobs to many Americans, so that we can afford further luxuries.

With every passing day, our natural resource technology increases. This means many things. We can produce more efficiently. We can find better uses for our resources, that may be more economical and environmentally-safe. Continual research and technological development is necessary in order to provide for an ever-changing society such as ours.

Natural Resources: the driving power behind society.

RETIREMENT OF JOHN GALVIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Mr. John J. Galvin who is being honored for his outstanding commitment to the Township of Bloomfield, NJ. Mr. Galvin has announced his retirement after 26 years of service as township clerk and planning coordinator.

Mr. Galvin received his degree in business administration from St. Peters College. He continued his education at Syracuse University and Salve Regina College, where he received his clerk's certification.

Previously serving as municipal clerk and treasurer in Saddle Brook, Mr. Galvin has held the position of municipal clerk and planning coordinator of Bloomfield since 1968. He has been actively involved with municipal clerks associations at both the county and national levels. Mr. Galvin has served as president of the Essex County association twice, and has recently completed his term as president of the State association.

After a lifetime of service, I ask my colleagues to join me in wishing Mr. Galvin and his wife, Rosemary, many more wonderful years and continued success.

AN EXAMPLE FOR ALL—THE RAYMOND COLLINS ELEMENTARY SCHOOL DESIGNATED DRUG-FREE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. HORN. Mr. Speaker, I rise today in recognition of the efforts of the faculty, staff, and students of the Raymond Collins Elementary School in being designated 1 of only 90 Drug-Free Schools nationwide.

The school was chosen by the U.S. Department of Education for its effective strategies in helping students resist the influence of drugs and improving school safety. In evaluating the qualifications of the Raymond Collins School for this honor, various programs were cited, including student conflict management training, a schoolwide discipline plan, the Just-Say-No Club, and a collaborative school climate.

One example of the outstanding efforts of the school is found in the Just-Say-No Club. Coordinator Vivian Majeed and student members of the club are actively involved in fighting drugs. Prospective members must sign a pledge to remain drug and alcohol free. Club members then train their peers in the importance of following a drug-free lifestyle. The club has been actively involved in antidrug campaigns at the national level, recently attending a rally with former President and Mrs. Reagan.

Clearly the Raymond Collins School has made significant progress in helping its students to become involved in creating a bright future. Among others, Principal Dee Stephens, Facilitator Claudette Powers, and Student Council President Samuel Faoliu are to be commended for their efforts.

VA MEDICAL CENTER IN DANVILLE, IL HONORED

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. MONTGOMERY. Mr. Speaker, on a number of occasions I have acknowledged the outstanding service rendered to veterans by doctors, nurses and other health providers at our VA medical centers. I believe the staff at VA medical centers are among the best anywhere.

I recently received a letter from the Honorable Harry N. Walters, who headed the Veterans Administration for a number of years, telling me about the excellent care his father-in-law received at the VA Medical Center in Danville, IL, prior to his death on March 11, 1994, at the age of 86.

The staff at Danville care about their patients and I am grateful that the former Administrator has acknowledged their good work. I would like to share with my colleagues the following communication Mr. Walters sent to the Secretary of Veterans Affairs, on April 26, 1994:

WILLIAMSBURG, VA,
April 26, 1994.

Hon. JESSE BROWN,
Secretary of Veterans Affairs, Washington, DC.

DEAR SECRETARY BROWN: My father-in-law, George V. Bernshausen, was a patient in the DVA Hospital at Danville, Illinois, from May 1992 to March 1994. He died in the hospital on March 11, 1994, at the age of 86. He was a WWII, non-service connected, Category A veteran and had suffered a broken hip, numerous strokes and several heart attacks.

He was a proud man who retired at age 62 as a lifelong automobile mechanic in Pekin, Illinois. His wife of 49 years, Helen Bernshausen, age 81, was unable to care for him at home because of her own poor health conditions. George had been treated at the DVA outpatient clinic in Peoria, Illinois, for a number of years preceding his first major stroke.

On behalf of his wife and daughter, I am writing to extol the care he received from the outpatient clinic and at the Danville Hospital and to express the gratitude of our entire family. In particular, I would like to commend Dr. Lewis Winters, Dr. S. Jong, head nurse, Ward 98, Josephine Thompson, head nurse, Ward 5, Linda Kelsey, and Social Services Director, Peter Durry. The entire staff was responsive, caring and helpful during his illness. He died in his sleep with dignity among friends, family and a superb medical staff.

His association with fellow veterans in the hospital also gave him great comfort.

Please feel free to distribute this letter to the DVA outpatient clinic in Peoria and to the DVA Hospital in Danville. They all were remarkably professional.

I am compelled, however, to add that ironically on the day he died, March 11, 1994, the long term care ward to which he was assigned, was closed permanently and combined with two other wards where supposedly veterans with much different illnesses will be treated in the same ward. Some VA hospital personnel expressed genuine concern about the future of long term care at Danville and some even expressed concern about the future of the entire complex. I do not know whether or not their concerns will become reality but their concerns remind me of our obligations to aging veterans. The demographics of the aging population are overwhelming evidence of the need for more support not less support for the aging veteran. Accessibility, adequate budgets and efficiencies will all be needed. We don't hear very much about the aging veteran, but as my family can personally attest, the Danville hospital does a better job caring for them than anywhere else in Illinois. I hope my affidavit and that of our family can be helpful to you as you pursue what I know to be challenging work.

America is No. 1 thanks to our veterans.

Most Sincerely,

HARRY N. WALTERS.

A CODE OF CONDUCT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SWIFT. Mr. Speaker, I have received many letters from my constituents who are worried about our Nation's crime problem, and Congress has had vigorous debates on the best solutions to stop this violence. We need to find a way to make sure our children become productive members of society and not callous criminals. Yet, there are limits to what Congress can do to stop violence. Individuals need to take personal responsibility for their actions—to step back and see that how they treat others directly impacts our society. Mrs. Nordica Wiggins, of Everett, WA, has developed a code of conduct which she calls the American Code, which we should all take the time to read. Her code provides a valuable guide for individuals, families, and communities to follow in order to return to those positive values of decency, courtesy, and respect.

I am submitting a copy of her letter for the RECORD.

EVERETT, WA,
February 22, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The violence and crime in our beautiful country are becoming more and more unacceptable. There seems to be a lack of conscience and an ignorance of right and wrong.

Instead of trying to pin the blame, do you think a Code of Behavior for Americans might help, please?

If a revised and approved version of the below draft were a required posting on every school room wall, every government office and meeting place and in every public conveyance, on accommodating TV screens and newspaper pages, maybe it could start the pendulum swinging back to a nation where decency, courtesy and respect for each other became habitual to one and all.

THE AMERICAN CODE

As an American and entitled to all the benefits and privileges of citizenship,

1. I will respect my fellow Americans in speech, attitude and behavior.
2. I will not kill.
3. I will not steal.
4. I will not bear false witness against a fellow citizen.
5. I will protect children.
6. I will be kind to animals.
7. I will protect the environment.
8. I will obey the laws and pay the taxes that pertain to me.
9. I will not discriminate against others who differ from me in appearance, beliefs and customs.
10. I will respect and protect the American flag.

Sincerely,

(Mrs.) NORDICA WIGGINS.

MORRISANIA REVUE DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. SERRANO. Mr. Speaker, I rise to honor Bronx Community Board Three and the Community Action Committee of the Consortium of At Risk Youth Agencies [CAYA], who last Saturday, June 4, 1994, held "Morrisania Revue Day" in the South Bronx.

CAYA and Community Board Three collected some of the great talents of the fifties, such as Lillian Leach and the Mellows, the Chantels, the Chimes, the Chords, the Crickets, Veretta Dillard, Norman Fox and the Rob-Roys, the Heartbreakers, the Limelights, Ruth McFadden, Robert & Johnny, the Twilighters, the Wrens, and the Supremes for a joyous celebration of the revitalization of our community and its people.

Mr. Speaker, I have had the pleasure of working with Community Board Three and CAYA, on this event and on other projects of concern to our community. I ask my colleagues to join me in recognizing them for their much appreciated contributions.

RECOGNITION OF THE LEE RICHARDSON ZOO

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. ROBERTS. Mr. Speaker, I wish to call to my colleagues attention the Lee Richardson Zoo and its outstanding contributions to world wildlife conservation. During the month of June, the Lee Richardson Zoo, along with over 160 other institutions nationwide, will be celebrating "Zoo and Aquarium Month," a month-long observance that strives to raise public awareness of the conservation practices of North American zoos and aquariums.

Since the early 1970's zoos and aquariums have made monumental changes to dedicate themselves toward educating the public on the importance of habitat conservation. In some cases, these facilities have become the last stand for many species near extinction. These facilities have modeled themselves as entire ecosystems instead of a handful of displays of different animals. In return, the general public has become much more aware of the important balance between animals and their natural environment. Zoos and aquariums are preserving wildlife and their habitat for future generations. I am especially proud of the numerous improvement projects currently underway at the Lee Richardson Zoo, including Wild

Asia, a major new exhibit funded by the nonprofit support group, Friends of Lee Richardson Zoo.

Additionally, construction will soon begin on the Finnup Center for Conservation Education, a state-of-the-art facility that will enhance environmental education through a partnership involving the zoo, two local school districts, and the Garden City Community College. Last year the zoo's educational programs reached over 11,000 people from a three-State area. These numbers should increase significantly with the completion of the new facility.

I urge my colleagues to join me in recognizing June as "Zoo and Aquarium Month," and I urge my colleagues to visit their local zoo or aquarium with the family and friends.

THE OLD SOLDIER AND THE PARADE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. QUILLEN. Mr. Speaker, today is Flag Day, and in honor of this noble occasion, I would like to bring to my colleagues' attention the following poem, which was written and given to me by my constituent, Mr. L. Wayne Harless, of Kingsport, TN. I commend this poem to all who love our flag and who wish it to continue to be honored as the symbol of our unity as a nation.

THE OLD SOLDIER AND THE PARADE

The Old soldier stood at stooped attention,
as the flag was passing by,
and for a moment he thought,
of the battles he'd fought, and the comrades he'd seen die,

He swelled his chest, now medal bedecked,
awards for valor in war,
as he remembered the friends,
who fought til the end, and he knew they'd given much more.

He swallowed the lump, that rose in his throat, Old Glory'll do that you know,
she's a symbol of pride,
that wells up inside, and causes the tears to flow.

He knows that some just can't understand,
the meaning of this great flag,
some cry "let it burn,
till all men can learn, that it's nothing more than a rag."

But he knows by the love God put in his heart, for a country born to be free,
that he'd use his last breath,
gladly fight to the death, that even these might have liberty.

So hush now my friend, and show some respect, Old Glory is passing by,
Lay your hand on your breast,
vow to God that your quest, will be to hoist this great banner high!!

—By L. Wayne Harless, 7/4/93

IN MEMORY OF JUDGE H. CLIFTON McWILLIAMS, JR.

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to pay tribute to the memory of Judge H. Clifton McWilliams, Jr., of Johnstown, PA, who died suddenly last month. I knew Judge McWilliams and his wife personally, for he and my late father were partners together in their law firm in Johnstown for a decade until the Judge's election to the bench.

An article from the Johnstown Tribune-Democrat may provide a sense of the character, integrity, and kindness of Judge McWilliams. He served his community wisely and well, and was and will remain an inspiration to me and so many others who knew him.

CAMBRIA MOURNS SUDDEN DEATH OF LONG-TIME JUDGE

(By Kathy Mellott)

EBENSBURG.—Senior Cambria County Judge Clifton McWilliams of Westmont died Tuesday, two days before his 76th birthday.

"It was a shock to everyone," said Janice McWilliams the judge's wife of 32 years.

"He didn't look or act his age."

Mrs. McWilliams said her husband died of a massive heart attack.

McWilliams, who played golf on Monday, still served on the Cambria County bench after his official retirement, handling nearly 600 drunken-driving and first-time-offender cases a year, and worked as a visiting judge in a number of surrounding counties.

The judge's death came as a shock to his friends and colleagues, who said he will be remembered as a good person and a fair judge.

Cambria President Judge Gerard Long said it will be difficult to fill the gap created by McWilliams' death.

Last week, county work crews completed renovations of McWilliams' chambers on the third floor of the courthouse, work for which he was very appreciative, Long said.

"There wasn't a mean bone in that man's body," the president judge said.

"He was really a gentleman's gentleman."

Senior Judge Eugene Creany had lunch with McWilliams in Ebensburg Monday and said he appeared to be in excellent spirits.

"He loved lawyers and he went to all ends to try to satisfy everybody," Creany said.

"He had a quality that he hated to hurt anybody."

He called McWilliams a "very good judge."

Carl Harrison of Middle Taylor Township said he met McWilliams when the judge was traveling around the county with his father, the late H.C. McWilliams, one of Cambria County's first farm agents.

In 1955, when McWilliams was appointed to the bench, he brought Harrison to Ebensburg to work as his court officer, a position Harrison held for 33 years.

In recalling his years in the courtroom, Harrison said it was not unusual for McWilliams to seek Harrison's opinion on the credibility of witnesses, especially when hearing non-jury trials.

"He would often ask me which one I thought was lying," Harrison said.

McWilliams was a 1940 graduate of Pennsylvania State University, where he was captain of the men's basketball team and was named outstanding senior.

He earned a law degree from the University of Pennsylvania and attended Harvard for one year before returning to Cambria County to practice law.

He was a naval officer in the Pacific during World War II.

In January 1955, McWilliams was appointed to a one-year unexpired term on the Cambria County Court. He was a candidate for a full term as judge in the general election in November of that year, but lost in a close race to Alton McDonald.

In 1963, McWilliams was elected to the court.

He was named president judge in 1974, a post he held until stepping down in 1988.